

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
58th Legislative Day
Tuesday, May 25, 1999

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

Prayer by Reverend Sharon L. Hughes, St. Ansgar Evangelical Lutheran Church, Portland.

National Anthem by Auburn Middle School Band.

Pledge of Allegiance.

Doctor of the day, Peter Mason, D.O., Bath.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-649) in the House on May 21, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-649) AS AMENDED BY SENATE AMENDMENT "A" (S-343)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers"

(H.P. 1069) (L.D. 1500)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618) in the House on May 21, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618) AS AMENDED BY SENATE AMENDMENT "A" (S-338)** thereto in **NON-CONCURRENCE**.

On motion of Representative DAVIDSON of Brunswick, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Increase the Deer Hunting Day by 15 Minutes"

(H.P. 30) (L.D. 39)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-664) in the House on May 24, 1999.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED IN NON-CONCURRENCE**.

Representative DUNLAP of Old Town moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Repeal the Snack Tax"

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

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)** in the House on May 21, 1999.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative GAGNON of Waterville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 211)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

May 18, 1999

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo,

Pursuant to my authority under MRSA Title 5, section 1710 L, I am appointing the following House members to the Commission on Performance Budgeting as House members:

Representative Martha Bagley of Machias

Representative Randall Berry of Livermore

Representative Joseph Bruno of Raymond

Should you have any questions regarding these appointments, please contact me.

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 302)

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

May 21, 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 Legal and Veterans Affairs on Bill "An Act to Eliminate the Minimum Quota Requirement for a Store to Have a Lottery Machine" (H.P. 78) (L.D. 91), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Fabian Oilers Hockey Team, winners of the Squirt C Division Championship at the 9th Annual Winter Classic Tournament held on February 21, 1999 in Marlboro, Massachusetts. The team, comprised of elementary school students primarily from the greater Augusta area, includes: Paul Berube, Ryan Brooks, J.P. Carey, Michael Cotnoir, Dakota Devos, Josh Grant, Patrick Hudson, Shaun Levins, Nick Lunt, Justin Oliver, Spencer Perkins, Michael St. Pierre and Steven Small; Head Coach Steven Hudson; and Assistant Coaches Dean Perkins and Jim Carey. We send our congratulations to the team on this accomplishment;

(HLS 453)

Presented by Representative COWGER of Hallowell. Cosponsored by Representative MADORE of Augusta, Representative O'BRIEN of Augusta, Representative MITCHELL of Vassalboro, Representative BUMPS of China, Representative WATSON of Farmingdale, Representative McKEE of Wayne, Representative FULLER of Manchester, Representative RINES of Wiscasset, Representative SKOGLUND of St. George, Representative LOVETT of Scarborough, Senator TREAT of Kennebec, Senator DAGGETT of Kennebec, Senator KILKELLY of Lincoln, Senator PINGREE of Knox, Senator CAREY of Kennebec, Senator NUTTING of Androscoggin.

On **OBJECTION** of Representative COWGER of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I am thrilled to be able today to recognize the Fabian Oilers Hockey Team. A whole six weeks before the University of Maine brought home its national title, the Oilers brought a championship title home to Maine. The Oilers competed against teams from New York, Connecticut, Massachusetts and some other teams from Maine, including several from the Portland area. They lost their first match during the competition, but forged ahead winning every other subsequent game, including a smashing 4-0 win over a team from Massachusetts. This final game was due to some terrific defensive action. I ask that you join me in congratulating these capital area kids for winning the Squirt C Division Championship at the Winter Classic Tournament in Massachusetts.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. You are probably asking why a Representative from Cumberland County be wanting to speak on this. I happen to be a very proud grandmother of one of those youngsters. I have had a play-by-play description of every game he has played. I just want to tell you how excited I am for this team. They represented the State of Maine so well. I want to thank their coaches and I want to thank the spirit that these squirts have. We really should give them a round of applause.

PASSED and sent for concurrence.

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act Concerning Access to Obstetrical and Gynecological Services Provided Through Managed Care Plans"

(S.P. 416) (L.D. 1205)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
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" (S-334)** on same Bill.

Signed:

Representatives:

DUDLEY of Portland
O'NEIL of Saco
SAXL of Bangor
RICHARDSON of Brunswick

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

READ.

Representative SAXL of Bangor moved that the House **ACCEPT** the Minority **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 what this bill does and what our plans are for it. I think that you should know that because of the report, because the majority of the people on the committee on the other side of the report and because the three Senators are opposed to this report and because the Chief Executive has indicated an unwillingness to sign this, we don't want to take up the time of this body to debate it. However, I would like you to know exactly what the bill does. It is a mandate, which concerns managed care plans. The bill would expand opportunity for women to access their OB-GYN practitioners for general primary, preventive and therapeutic obstetrical and gynecological care for the limited services offered. At the moment, they are only able to self-refer once. If they have a problem, which is not of a routine nature, the kind one would have in an annual examination, but that the treatment requires another visit, they have to go back to their primary care provider. This creates a problem. Often in the childbearing years, the obstetrician or gynecologist is the doctor that woman seek out and think of as the person who really provides them medical care. This bill would allow women to self-refer to obstetrical and gynecological care. I ask you to vote what you think is best in this instance. Clearly, the bill is not going to pass. Thank you.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. In deference to the good Chair of the committee, Representative Saxl, I will not belabor the points on the other

REPORTS OF COMMITTEE

side, except to urge you not to accept the current motion and to accept the motion Ought Not to Pass, which is where a majority of the committee was. This health insurance mandate requires coverage, which bypasses the patient's primary care physician. It will cost .15 percent of premium and carries a \$120,000 fiscal note for the State Employees Health Plan.

The final point I would make this morning would be that recently this body passed LD 857, which mandated coverage for OB-GYN's services provided by certified nurse practitioners and nurse midwives after referral. I would repeat, after referral by a PCP. This bill, with the Minority Ought to Pass, does exactly the opposite of what LD 857 did, by allowing access to these same providers and services without a PCP. I would urge that you defeat the current motion and move forward to accept the Majority Ought Not to Pass Report. Thank you.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise also in opposition to the pending motion of yet another mandated benefit on businesses and insurances. One of the things that we should keep in mind when we are voting on this issue is that it will, in fact, increase the cost of health care. As we increase the cost of health care through yet another mandate, another demand on businesses and on insurance. One of the horrible byproducts of this type of action is that a number of people, because they are unable to afford the health insurance at all, will end up having to drop coverage because of the increase in premiums. This is the danger that is caused by these mandates. If it was good for the employee and it was good for the business, they wouldn't need the government to come in and mandate this benefit, they would do it themselves. I urge you to vote against the pending motion and I ask for the calling of the yeas and nays when the vote is taken. Thank you.

Representative GLYNN of South Portland 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: 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. 289

YEA - Bagley, Baker, Belanger, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duplessie, Etnier, Fisher, Gagne, Gagnon, Gerry, Hatch, Jabar, Jacobs, Kane, Labrecque, Lemoine, Martin, Matthews, McDonough, McGlocklin, McNeil, Mitchell, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Townsend, Tripp, Twomey, Volenik, Weston, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Clough, Collins, Cross, Daigle, Duncan, Dunlap, Foster, Frechette, Fuller, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McAlevey, McKenney, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Plowman,

Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Sullivan, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Cianchette, Cote, Green, Madore, McKee, Muse, Peavey, Richardson J, Tuttle, Watson, Winsor.

Yes, 66; No, 74; Absent, 11; Excused, 0.

66 having voted in the affirmative and 74 voted in the negative, with 11 being absent, the Minority Ought to Pass as Amended Report was NOT ACCEPTED.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child"

(H.P. 295) (L.D. 403)

has had the same under consideration, and asks leave to report:

That they are UNABLE TO AGREE.

Signed:

Representatives:

GAGNON of Waterville

WILLIAMS of Orono

MURPHY of Berwick

Senators:

DAGGETT of Kennebec

CAREY of Kennebec

MILLS of Somerset

READ.

On motion of Representative GAGNON of Waterville, the Committee of Conference 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. 417) (L.D. 1206) Bill "An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on BUSINESS AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (S-341)

(H.P. 1419) (L.D. 2026) Bill "An Act to Make Certain Provisions for Exceptional Students Consistent with Federal Laws and Regulations" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "C" (H-669)

(H.P. 1421) (L.D. 2028) Bill "An Act Pertaining to the Management of Atlantic Salmon" Committee on INLAND FISHERIES AND WILDLIFE reporting Ought to Pass as Amended by Committee Amendment "A" (H-672)

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was PASSED TO BE ENGROSSED AS AMENDED in concurrence and the House Papers were PASSED TO BE ENGROSSED AS AMENDED and sent for concurrence.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Promote Effective Management of Occupational Exposure to HIV"

(S.P. 626) (L.D. 1791)

(C. "B" S-327)

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

ENACTORS

Emergency Measure

An Act to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded

(S.P. 245) (L.D. 667)

(C. "A" S-313)

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. 115 voted in favor of the same and 9 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(S.P. 738) (L.D. 2088)

(S. "A" S-322 to C. "A" S-292)

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. 123 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Allow the Cumberland County Domestic Violence Unit to Hire 2 New Assistant District Attorneys Immediately

(S.P. 832) (L.D. 2232)

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. 113 voted in favor of the same and 17 against, and accordingly the Bill was **PASSED TO BE ENACTED** and signed by the Speaker.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 290

YEA - Andrews, Bagley, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Richard, Richardson E, 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, Trahan, Treadwell, Tripp, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Berry RL, Bryant, Clark, Goodwin, Joy, Kasprzak, LaVerdiere, Mendros, Pinkham, Plowman, Rines, Stedman, Tracy, True, Wheeler GJ.

ABSENT - Cote, Green, Madore, McKee, Muse, Quint, Richardson J, Tuttle, Watson.

Yes, 126; No, 16; Absent, 9; Excused, 0.

126 having voted in the affirmative and 16 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict

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

(C. "A" S-291; S. "A" S-330)

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

Representative MACK of Standish **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken:

ROLL CALL NO. 291

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

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

NAY - NONE.

ABSENT - Cote, Green, Madore, Muse, Richardson J, Tuttle, Watson.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

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

(H.P. 306) (L.D. 422)
(C. "A" H-393)

An Act to Increase Access to Primary Health Care Services

(H.P. 617) (L.D. 857)
(C. "A" H-630)

An Act to Encourage Economic Development in the State

(S.P. 315) (L.D. 949)
(C. "A" S-309)

An Act to Improve Alcohol Server Education Courses

(S.P. 320) (L.D. 954)
(C. "A" S-228)

An Act to Allow Horse Racing Commencing at Noon on Sundays

(H.P. 749) (L.D. 1039)

An Act to Amend the Uniform Health Care Decisions Act

(H.P. 797) (L.D. 1120)
(C. "A" H-616)

An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program

(S.P. 433) (L.D. 1270)

An Act Concerning Corrections Employees

(S.P. 455) (L.D. 1330)
(C. "A" S-307)

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. 964) (L.D. 1362)

An Act to Promote Ethanol Production as Alternative Fuel

(H.P. 1032) (L.D. 1454)
(C. "A" H-632)

An Act to Establish the Northern Maine Transmission Corporation

(H.P. 1034) (L.D. 1456)
(C. "A" H-617)

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)

An Act to Clarify and Improve the State's Solid Waste Management Laws

(H.P. 1204) (L.D. 1714)
(C. "A" H-633)

An Act to Establish the Maine Dental Education Loan Program

(H.P. 1367) (L.D. 1965)
(C. "A" H-406; S. "A" S-324 to H. "A" H-581)

An Act to Limit Entry into the Lobster Fishery by Zone

(H.P. 1386) (L.D. 1992)
(C. "A" H-629)

An Act to Amend the Laws Regarding Asset Forfeiture

(H.P. 1406) (L.D. 2011)
(C. "A" H-619)

An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations

(S.P. 720) (L.D. 2042)
(S. "A" S-325 to C. "A" S-214)

An Act to Create the Capital Riverfront Improvement District

(S.P. 760) (L.D. 2136)
(C. "A" S-302)

An Act to Amend the Laws Governing the Construction of Salt and Sand Storage Facilities

(S.P. 764) (L.D. 2156)
(C. "A" S-308)

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, 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)

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 Election Laws

(H.P. 510) (L.D. 717)
(C. "A" H-622)

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

On motion of Representative CHIZMAR of Lisbon, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-622)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-663)** to **Committee Amendment "A" (H-622)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. This amendment clarifies a technical error that came through on the bill and what it does is it identifies licensed residential care facilities referred to in the subsection as those that are licensed as level-two facilities. Thank you.

House Amendment "A" (H-663) to **Committee Amendment "A" (H-622)** was **ADOPTED**.

Committee Amendment "A" (H-622) as Amended by **House Amendment "A" (H-663)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-622)** as Amended by **House Amendment "A" (H-663)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin

(H.P. 718) (L.D. 1008)
(C. "A" H-615)

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

On motion of Representative **WATERHOUSE** of Bridgton, was **SET ASIDE**.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I beg the committees indulgence on this, but I tried to hunt for House Amendment (H-615) and I couldn't find it and neither of my seatmates could find it either. Could somebody tell me what the amendment does?

The **SPEAKER**: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. The amendment adds one thing that was at the request of the Maine Potato Board. If produce is grown and raised in a foreign country, but packed in this state, the label must identify the country in which the produce was grown in letters as large or larger than the letters identified in name and place of business of the packer. What has happened with some potatoes that were grown in Canada were being sold down here and they were putting packed in Presque Isle, but they weren't mentioning very largely that it was in Canada. The other thing that the amendment does is removes the requirement that if it is made in the United States it has to have a country of origin label.

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

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

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

UNFINISHED BUSINESS

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

Bill "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases"

(S.P. 741) (L.D. 2100)
(C. "A" S-268)

TABLED - May 18, 1999 by Representative **BRENNAN** of Portland.

PENDING - **ADOPTION OF HOUSE AMENDMENT "B" (H-584)**.

Subsequently, Representative **HATCH** of Skowhegan withdrew **House Amendment "B" (H-584)**.

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

Representative **HATCH**: Mr. Speaker, Men and Women of the House. This particular bill deals with the department's solution. The bill states that the advocate can prioritize and decline workers' comp cases. When I first heard about this bill, to say the least, the shivers went up my back because I wondered just how many people would be declined assistance in the Workers' Comp System. Throughout the hearing I knew this was absolutely wrong. The people who are injured and at last had some recourse in the Workers' Comp System after five years they finally had advocates and now to be denied the system through the use of those advocates. I went back over the figures after the hearing and at the work session we decided that we would send out someone from labor and someone from management to come back with something a little bit better, which is included in this amendment. What the amendment does is that the advocates could still decline the cases, but those cases that they took if they wanted a hearing and the injured worker had been denied payment throughout their stay in the Workers' Comp System. We had one gentleman who had been denied payment for over 18 months that they would get 25 percent interest on any monies owed them. I had no idea what he was paid, but I am sure it was just what was owed him without the interest rate. I voted with the committee and it was a unanimous report, but I want you to know that I cannot vote for this bill.

I looked at the graphs that they gave us. In 1994, there were 3,938 cases pending at the end of that year. In 1998, with the advocates in the system and a steady decline from 1994 to 1998, there were 1,618 cases in the system. It was said that if they could decline cases, it would limit the cases by 15 percent. I am not the greatest mathematician, but being a rather mundane bookkeeper I ran those numbers. That would be 243 cases that would be denied access to the advocates. That doesn't mean they would be out of the system. They would just be denied advocates and would have to navigate the system by themselves again.

I thought about this for a long time. I offered amendments and for some reason chairs of committees are held to higher standards than the rank and file. I think this bill should fly on its

own or it should die. To me, that is 243 cases that would be denied and a 25 percent interest penalty if cases are controverted. I cannot vote for this bill. There might be many reasons for the drop or the decline in cases. I call them the working wounded. Many people are put on light duty now a days. Pretty soon if we pass this bill there will be more people trying to get through the process on their own. I fought hard and long to bring back the prevail so they would at least have someone, even if it was just at the hearing process who could guide them through the system. I don't know about you, but I think that this bill should be rethought and brought back to us in the next session. We heard a lot from employers and the insurance industry, don't change workers' comp. Don't go back. We do know one thing, the advocate system in working. They are overworked. We are giving them two paralegals and an auditor for the system to oversee the insurance companies. I think that is enough help for this year. I honestly believe that the advocates can handle less than half the caseload since 1994. I don't want to deny even one person the access to get through the system.

I am not in the habit of forgetting my friends and in this case it has to be the injured workers. I will sell neither of them for 25 percent interest or 25 pieces of silver. I will be voting no on this. When the vote is taken, I request the yeas and nays.

Representative HATCH of Skowhegan **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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

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

Representative TREADWELL: Mr. Speaker, Men and Women of the House. Without the amendment from the good Representative from Skowhegan, we do have a good bill here. I would like to rebut some of the comments that were made. First of all, the bill was a product of the Workers' Comp Board and ended up being an administration bill, because it was an after-deadline filing. It does not allow the worker advocates to dump cases. It does allow them to eliminate cases that have no merit that are beyond the statute of limitations, involve fraud or other things that would make them non-meritorious cases before the Comp Board. In the first quarter of 1999, we were down to 1,458 cases pending in the pool. Since the first quarter, that number has been reduced. I believe it is down another 100 cases since the first quarter. There are ample protections built into this bill to prevent the advocates from eliminating cases that have merit. I think that we should go on and pass the bill. It is going to go one step further in making the system whole. Last session we increased the number of worker advocates. This year we have increased the paralegals to work with the worker advocates and this bill will help to streamline process even further. I encourage you to vote for passage.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

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

The SPEAKER: The Representative may pose his question.

Representative TESSIER: Mr. Speaker, Men and Women of the House. Is there a review process for those cases that are denied by the advocate? Is it solely the advocate's decision or is there someone that reviews that decision after it has been made?

The SPEAKER: The Representative from Fairfield, Representative Tessier has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Men and Women of the House. In response to the good Representative from Fairfield, there is an appeals process through the executive director. I am not in favor of that. I would have liked to had the board do the appeals process mainly because there are eight voices, four management and four labor, who could oversee the process. That is one of the amendments that I had offered that I withdrew. I still think it is a good idea. I would like to see that, but having said that, I have no ill will toward the executive director who will be overseeing this process. I just think that it would be far better to have the full board oversee any declined cases. That is why I am voting against the bill. I think it is imperfect. I think it needs to be reworked. Thank you.

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

Representative MACK: Thank you Mr. Speaker. To answer the good Representative's question, one other point to clarify. The advocates cannot throw out the cases on their own. There are six criteria they have to meet and then they have to sign off to throw out the case. Also, the staff attorney on board for the Workers' Comp Board has to agree to it. There are two levels of checks and after that if the employee still feels wrong, there is the appeal process.

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

ROLL CALL NO. 292

YEA - Andrews, Baker, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Quint, Richard, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Thompson, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Ahearne, Bagley, Berry RL, Bouffard, Bryant, Chick, Chizmar, Clark, Dudley, Dunlap, Duplessie, Gagnon, Gerry, Goodwin, Hatch, Jabar, Jacobs, Lemoine, Matthews, McGlocklin, Mitchell, Norbert, O'Neal, Powers, Rines, Samson, Saxl JW, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Tobin D, Tracy, Twomey, Volenik, Williams.

ABSENT - Cote, Green, Madore, Muse, Tuttle, Watson.

Yes, 107; No, 38; Absent, 6; Excused, 0.

107 having voted in the affirmative and 38 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-268)** in concurrence.

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

Bill "An Act to Repeal the Snack Tax"

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

Which was **TABLED** by Representative GAGNON of Waterville pending **FURTHER CONSIDERATION**.

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

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

ORDERS

On motion of Representative PIEH of Bremen, the following Joint Resolution: (H.P. 1595) (Under suspension of the rules, cosponsored by Senator NUTTING of Androscoggin and Representatives: CARR of Lincoln, COWGER of Hallowell, CROSS of Dover-Foxcroft, FOSTER of Gray, GAGNE of Buckfield, GILLIS of Danforth, GOOLEY of Farmington, VOLENIK of Brooklin, WATSON of Farmingdale, Senators: KIEFFER of Aroostook, KILKELLY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REAUTHORIZE THE NORTHEAST INTERSTATE DAIRY COMPACT

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 Congress of the United States, as follows:

WHEREAS, Maine has nearly 500 dairy farms producing milk valued annually at over \$100,000,000; and

WHEREAS, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

WHEREAS, Maine is a member of the Northeast Interstate Dairy Compact; and

WHEREAS, the Northeast Interstate Dairy Compact will terminate at the end of October 1999 unless action is taken by the Congress to reauthorize it; and

WHEREAS, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to ensure consumers of an adequate, local supply of pure and wholesome milk; and

WHEREAS, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

WHEREAS, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

WHEREAS, actions taken by the compact have directly benefited Maine dairy farmers and consumers; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on

Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

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

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" (S-339)** on Bill "An Act to Promote Healthy Maine Families"

(S.P. 492) (L.D. 1477)

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

KANE of Saco
BROOKS of Winterport
FULLER of Manchester
QUINT of Portland
DUGAY of Cherryfield
WILLIAMS of Orono
BRAGDON of Bangor

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

Signed:

Representatives:

LOVETT of Scarborough
SNOWE-MELLO of Poland
SHIELDS of Auburn

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-339)**.

READ.

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

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

Representative **KANE:** Mr. Speaker, Men and Women of the House. The Health and Human Services Committee voted unanimously to increase access to health care for the parents of the children covered by last years Medicaid expansion. The majority of the committee, 10 members, voted not to specify any funding source in the legislation leaving the decision to the Appropriations Committee. The minority, 3 members, voted to fund the expansion exclusively with the tobacco settlement money. LD 1477 will provide Medicaid coverage to an estimated 10,000 low-income, low-wage parents of minor children. It will cost only \$3.6 million in fiscal year 2001 of the over \$50 million that Maine will receive in the tobacco settlement money. It will be paid for with two-thirds federal matching Medicaid dollars

bringing to the state approximately \$7.2 million a year in federal funds to help pay the coverage. LD 1477 will primarily benefit low-income working parents. The bill provides Medicaid benefits to the parents with minor children whose family income is 150 percent of the poverty level or less. That is about \$20,820 for a family of three. Parents currently lose eligibility for Medicaid at 100 percent of the poverty level or about \$13,800 for a family of three. It is too much to qualify for help, but not enough to buy health care insurance for themselves and their own families. Please remember as you consider voting that 80 percent of the uninsured are in families that include at least one full time worker. I urge you to support the pending motion. Thank you Mr. Speaker.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I am in total agreement with everything that the good Representative from Saco has said with the exception of how we are going to pay for this. This is a very good bill. I am very concerned that we cannot afford it and I do not want to see this program started until we have ample funds to pay for this. I don't want to see this program start up after borrowing money and then have it fall on its face. There is too much work that has been put into this program. Consequently, our amendment says that this program would become affective when the tobacco money is here. The tobacco money has been used for a lot of things. I am hoping and I am wishing that we get this money, but if we don't, I do not want to see this program fall. I hope you will go with the Minority Report. I think it is much more prudent. I think it is a wiser report. I hope you will follow my light. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, stand on the Minority Report. I am in wholehearted agreement on being far more fiscally responsible. I also do not want to see this program fail. I also feel that we cannot afford to take this out of the General Fund. I think we have to be prudent. Please follow our light. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I echo the comments of the good Representatives from Poland and Scarborough. The cost to the General Fund falls outside the limits of what we have. Using the extra tobacco money would be much more prudent measure for us.

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

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. Let me just say this. If you support this program, support the Ought to Pass to provide us with the maximum flexibility to get this program off and running. It is very, very good program. You heard the good Representatives who are on the Minority Report and they support the program. We are asking you to support the Majority Ought to Pass Report to allow us the maximum flexibility to get this wonderful program up and running. Thank you Mr. Speaker.

Representative **KANE** of Saco **REQUESTED** a roll call on his 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 Dexter, Representative Tobin.

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

The SPEAKER: The Representative may pose his question.

Representative **TOBIN**: Mr. Speaker, Men and Women of the House. I remember during the 118th when we increased the cigarette tax, the money was supposed to be used for underprivileged children's insurance and for money for education in regards to substance abuse. Any member of the Taxation Committee, could they please inform me where that cigarette tax money has gone? Thank you Mr. Speaker.

The SPEAKER: The Representative from Dexter, Representative Tobin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. In response to the question, a small portion of the money went for media and to create cessation and that has been happening. The rest of it went into tax refunds back to the people.

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. 293

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

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

ABSENT - Cote, Madore, Muse, Tuttle, Watson.

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

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-339) 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" (S-339)** in concurrence.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 843)

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out, to the Senate, a bill to fund training programs for water pollution control facility operators.

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

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

UNFINISHED BUSINESS

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

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**.

TABLED - May 21, 1999 (Till Later Today) by Representative **BULL** of Freeport.

PENDING - Motion to RECEDE and CONCUR.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to give you some of my feelings about this document and why it is needed for the towns and cities in the State of Maine, including the amendment. I view this document as communication. Residents, legal voters in towns and cities in Maine in order to understand what their elected officials are doing, there is a need for a notice for a meeting, whether it is for the library board, board of selectmen or whatever. These notices are nothing but a simple statement of what the subjects will be and the time and place of the meeting. Over time there have been situations that legal voters were unhappy with the inability of their elected officials to inform them about meetings to deal with items that they will be subject to live under and pay for. At this time, I would move that the pending motion to Recede and Concur be sustained and further move that when the vote is taken, it be taken by the yeas and nays. Thank you.

Representative **CHICK** of Lebanon **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. It is with a bit of trepidation that I stand to oppose the previous speaker, the good Representative from Lebanon, Representative Chick, but I am asking you to please oppose the pending motion to Recede and Concur and to stick to our previous motion here in the House where we accepted the bipartisan Majority Ought Not to Pass Report on this bill. The original bill has been eliminated in terms of the amendment, so if you are looking at the original bill, don't. It is not what is being done. What the Committee Amendment did was say that a person other than the Attorney General or a District Attorney to bring a civil action to enforce the Freedom of Access Laws. The problem with this amendment through is that currently the Attorney General and the District Attorney are the ones who bring these civil actions. They look at the claim that has been brought by an individual and if they think it has merit, then they will pursue it. If it is a frivolous claim, they will not pursue it. What this law does, in effect, is say that that determination by the Attorney General or the District Attorney to not pursue the claim because of its lack of merit, the person could simply go ahead and file that claim anyway. I don't really see what this is trying to achieve here. I understand that it is very important if there had been a violation of the Freedom of Access Law that we allow people the avenue to address it. Right now that avenue already exists with the Attorney General or the District Attorney filing claims on behalf of an individual.

What I am afraid is going to happen if this amendment goes through is that an individual who did not get what they wanted in front of some government entity, that could be a town council, state board or the State Legislature, those individuals do not get what they wanted out of that particular body, disappointed with the outcome, they may simply file a claim that they are in violation of the Freedom of Access Law simply to tie up the town and to protest the decision of that governmental entity. The claim can be filed whether or not it has any merit. I really do not see what this is trying to attempt. I don't see what benefit this amendment would have. I feel it is just going to be a burden to governmental entities. The Maine Municipal Association is very much opposed to this. They have some problems with this. For that reason of frivolous claims, the Office of Fiscal and Program Review has declared that this bill is a mandate.

I would ask you to please vote against the pending motion so we can go forward and Adhere to the previous action of this body to accept the Majority bipartisan Ought Not to Pass Report. Do not circumvent the current system that is working very well. Thank you ladies and gentlemen.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is here because the will of constituents expressed to their Representative a need for representation at meetings only known by notices that are published. It is not about anything, but being at a meeting that has been posted, the articles or subjects on the notice and to take part in that meeting. That is what this bill is about, communication. Today, as always, communication is one of our

greatest problems. I will say again that the reason it is here is because people have been denied access to meetings affecting their towns and cities because of lack of notice. Thank you.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to be clear as to what the current incarnation of this bill is. It has been amended. It no longer speaks about posting notices. It simply allows a person other than the Attorney General or District Attorney to bring an action to enforce a violation or a perceived violation of the Freedom of Access Laws. If the AG doesn't bring an action within 30 days after receiving a complaint, then a citizen can take matters into their own hands. I, too, rise in opposition to the pending motion. I think current law is adequate. This will have a negative impact on our local school boards, town boards and state agencies. Under current law, it must be remembered that anyone who feels they have been aggrieved by a violation of the Freedom of Access laws still can bring suit and they can bring an injunction or they can get damages. For instance, if a document is being withheld, a person can bring suit and get that document turned over. This bill, however, would create, I think, an unwise exception to the general rule. It would allow an individual to do what no one else can do currently other than the Attorney General or the District Attorney and that is bring a suit for civil penalties. Currently, we don't allow a citizen to bring a suit for civil penalties if someone is speeding or if there has been an environmental violation. That is something that is left to the discretion and the good judgment of the Attorney General. This bill would change that and create an exception. As I said, current law is adequate. One can still get relief for a Freedom of Access violation. I think our local school boards and town boards deserve better than to have a wave of frivolous lawsuits or just a wave of lawsuits by anyone who does not agree with them. To bring suit and to get penalties it is going to cost your towns. I hope you will vote against the pending motion.

On motion of Representative TOWNSEND of Portland, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment "A" (H-668) to Committee Amendment "A" (H-479), which was **READ** by the Clerk.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I want to be clear with you that this is a technical amendment, which clarifies the fiscal note. I am offering it in my roll as Appropriations chair, not because I have an interest in the outcome of the bill. It is not a mandate amendment and will not affect that. It does clarify, however, that it says that unless General Fund Appropriations are provided to fund at least 90 percent of the additional costs or a mandate preamble is amended to the bill and two-thirds of the members of each house vote to exempt this mandate from the funding requirement, the effected local units of government may not be required to implement these changes. Thank you.

House Amendment "A" (H-668) to Committee Amendment "A" (H-479) was **ADOPTED**.

Committee Amendment "A" (H-479) as Amended by House Amendment "A" (H-668) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-479) as Amended by

House Amendment "A" (H-668) thereto in **NON-CONCURRENCE**.

On motion of Representative BULL of Freeport, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-479) as Amended by House Amendment "A" (H-668) thereto.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED** as Amended.

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 Engrossment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 294

YEA - Andrews, Berry DP, Bowles, Bragdon, Bruno, Bryant, Buck, Bumps, Campbell, Chick, Clough, Collins, Cowger, Cross, Daigle, Davis, Dugay, Duncan, Dunlap, Etnier, Foster, Gagne, Gagnon, Gillis, Glynn, Goodwin, Green, Hatch, Heidrich, Jodrey, Jones, Joy, Kane, Kneeland, LaVerdiere, MacDougall, Mack, Madore, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McNeil, Mendros, Murphy T, Nass, O'Brien JA, Perkins, Pinkham, Povich, Richardson J, Rosen, Samson, Schneider, Sherman, Shields, Shorey, Stanwood, Stedman, Stevens, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Wheeler EM, Wheeler GJ, Winsor.

NAY - Ahearne, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Carr, Chizmar, Cianchette, Clark, Colwell, Davidson, Desmond, Dudley, Duplessie, Fisher, Frechette, Fuller, Gerry, Gooley, Honey, Jabar, Jacobs, Kasprzak, Labrecque, Lemoine, Lemont, Lindahl, Lovett, Mailhot, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perry, Pieh, Plowman, Powers, Quint, Richard, Richardson E, Rines, Sanborn, Savage C, Savage W, Saxl JW, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Sullivan, Thompson, Townsend, Volenik, Waterhouse, Weston, Williams.

ABSENT - Cameron, Cote, Muse, O'Brien LL, Saxl MV, Tuttle, Watson, Mr. Speaker.

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

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-479) as Amended by House Amendment "A" (H-668) thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"

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

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** in the House on May 4, 1999.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140)** and **ASKED FOR A COMMITTEE OF CONFERENCE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Clarify Underinsured Motor Vehicle Coverage
(S.P. 723) (L.D. 2043)
(C. "A" S-204)

PASSED TO BE ENACTED in the House on May 12, 1999.

Came from the Senate with the Bill and accompanying papers **RECOMMITTED** to the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE**.

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

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

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

Bill "An Act to Create Staff Positions at the Maine Commission on Domestic Abuse"

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

Which was **TABLED** by Representative SHIAH of Bowdoinham pending **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

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

ENACTORS
Acts

An Act to Amend the Definition of "Employment" in the Unemployment Compensation Law

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

(S. "A" S-319 to C. "A" H-502)

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.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)** on Bill "An Act to Decrease the Time by Which Rent Is Considered Late"

(H.P. 635) (L.D. 885)

Signed:

Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

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

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

Signed:

Representative:

O'BRIEN of Lewiston

READ.

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

Representative O'BRIEN of Lewiston moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. This bill would not do well for us as a group representing the Maine people. It changes the number of days that someone would be charged a late fee from 15 to 7. I think this is not what we should be looking to pass at this time.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Men and Women of the House. Although I appreciate the Representative from Lewiston's interpretation of the law, I am reading about the people who were opposed to this at public hearing. There is nobody from Maine. We have home properties of Rochester, New York who manages 500 units in South Portland. We have Courtland Associates of Lynne, Massachusetts who owns 188 units in Courtland Court, wherever that is. We have Maaco Management of Seabrook, New Hampshire and they manage 224 units in Old English Village. I don't see where it is going to affect Maine people. This is a small property management bill.

I was approached to put it in for the people that operate and manage 4 to 10 units. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. I didn't approach the Representative to put the bill in, but I am one of those people. My wife and I own three buildings. Let me assure you that when we are short of money to pay the bank payment, they don't have any hesitation, about charging us. I don't think its unreasonable to ask people to pay the bills on time. I have to pay mine on time. I expect that it would be fair for other people to do the same thing. I would ask you to go with the committee report and vote against this Indefinite Postponement. Running a small business in this state is tough enough as it is. This is a small, small bit of help. We would really appreciate it if you would oppose the Indefinite Postponement.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. Let me try to explain a little bit what this bill does. Under current Maine law a landlord must wait 15 days before assessing a late fee against any tenant. That late fee can be up to 4 percent. This bill proposes to shorten that time period to one week or seven days before the landlord can charge the late fee. I think it is important to recognize here that somebody paying a mortgage has those same 15 days before they are assessed a late fee by their lender. I fail to see any reason why renters shouldn't have the same protection that homeowners and the landlords themselves have. Thank you Mr. Speaker.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. Just because it has been pointed out that nobody testified from Maine regarding this bill, had it not been for the hectic schedule that we have, I certainly would have been there being somebody who manages and owns rental property in South Portland, this is a bad bill. Thank you Mr. Speaker.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I just want to try to speak for those people who weren't at that public hearing. Park Side, Bay Side and Kennedy Parks are a very poor district in the State of Maine. Many of these people are working hard during the day and do not have time to come to Augusta to do a presentation in front of a committee. It seems to me that late fees for utility bills are 30 days and on a mortgage it is 15 days. To reduce this to seven days is unfair, particularly to those people who can afford it the least. I would ask you strongly to encourage the pending motion to Indefinitely Postpone the bill and all papers.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of Indefinitely Postponing this bill because it very much is going to hurt my district and a lot of your districts also. The whole issue of rental payments, when a tenant decides to become a tenant with a landlord and they sign their lease and they move into that establishment, it is pretty much understood the rules that are going to be in play. Right now we have a number of residents that are renting apartments that understand that they have this 15-day grace period. What we are doing is we are going to be taking seven days away from them. Essentially, this is very much going to financially harm them.

In my district over by the Maine Mall an apartment complex that is called Red Bank. It is mostly World War II housing. Most of the people who have rented there, even though they are renters, many of them have lived in those housing units 15 or 20 years, which I always thought was amazing growing up. When you sit back and you think about it, the reason why somebody rents generally in most all cases is because they can't afford to buy a home and that is why they find themselves in one of these rental situations. If this bill is enacted, I can tell you that it is very much going to financially harm these people that can afford the least to be able to pay them. I can tell you from working with my town office, the welfare director, over the years maybe these people will be between jobs. When general assistance kicks in to start helping them, those dollars that are reimbursed by the

state, general assistance hasn't kicked in until such time as they are served an eviction notice. What we are essentially going to be doing is we are going to be in essence passing this on as an increase into the general assistance budget. Essentially, we are going to have general assistance dollars subsidizing a lot of these late rental payments.

Lastly, I did want to speak to you about the whole sense of fairness. As far as a seven-day grace period, that is going to be really tight and very difficult for a lot of families. I know about social security checks, waiting to see when they come in, making the deposits and timing it. There are a lot of people that are going to be right on the edge every single month with a seven-day grace period. This would not work for the benefit. I am a Republican. I am in a district with a number of Democrats that have spoken. The only reason I bring this up is because it very much is a bipartisan issue. It is not a good bill for renters. It is not a good bill for our districts. I do urge you supporting the Indefinite Postponement. Thank you.

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

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. I, too, rise in opposition to this bill and ask the House to support the Indefinite Postponement. I have hundreds of renters in my district. The intent of the bill may be good for landlords, but this Representative is here to represent the little people in the state that need help. I see this as a bill that definitely hurts the renter, the small person. We have bills up here that are floating through the House right now that we will be addressing that will be talking about increasing the pay periods from weekly to semi-weekly. When you look at that proposal versus a seven-day overlap here, it makes me wonder if that really is good legislation. However, I think the people who rent those places, many of them pay on a weekly basis. The landlords know that this is a bill that really will skewer the low-income person. I think it is bad, bad policy. I would ask all members of this body to support the Indefinite Postponement. Thank you Mr. Speaker.

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

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I would remind you that this is a 12 to 1 committee report. It is a bipartisan report. I would like to correct, if I may, a remark made by our acting committee chair, the Representative from Lisbon, Representative Chizmar. We only had at the public hearing one person speak in opposition to the bill. The three businesses that she mentioned in her testimony a few minutes ago came to us at the workshop in written form, not in a face-to-face situation. We had five people appear before the committee in support of this. It was five small business people in the State of Maine who felt that this was a real problem. It was not an imagined problem that the committee was wrestling with on that particular day when we had a number of landlord tenant issues. I would urge you to follow the lights of the 12 people who have voted to move forward with this particular legislation. Thank you.

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

Representative COLWELL: Mr. Speaker, Men and Women of the House. It is not often I rise to oppose a 12 to 1 committee report, but I do that today and I urge you to support the Indefinite Postponement of this bill. It is not because I don't respect the hard work of the committee. I think they do a great job. I just think that, first of all, there is already in Maine law a seven-day provision for landlords to be able to deal with this issue. That is after a person is seven days behind in the rent, the landlord has recourse to initiate probably the strongest collection method of all and that is eviction. That is in current statute. It has already been mentioned a number of times that credit card companies can only charge interest on overdue balances after a 30-day period and banks only after a 15-day period, which is the same as the current statute regulating renters. I guess I would like to just point out that the three businesses that were mentioned before are large absentee out-of-state landlords. I don't think any of us want to try to disadvantage our own small local landlords, but the fact is there was consideration in the committee to exempt smaller in-state units. That was not acted upon.

I think the good Representative from South Portland, Representative Glynn made a very interesting point in regards to general assistance. These three huge out-of-state landlords essentially control almost 1,000 units in the Portland area. The interest that they would be charging to the general assistance programs, if this bill were to pass, the extra week of grace for them would certainly generate significant revenues. I just think that we have a seven-day provision to deal with people who are behind on their rents currently in law. We have a 15-day provision to allow for charging of interest on overdue payments. I think the current law is fine. I urge you to support the Indefinite Postponement of this bill. Thank you.

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

Representative KANE: Mr. Speaker, Men and Women of the House. I had to stand because I got the personal impulse to do this. My colleague, Representative Quint, cited his district of Park Side and Bay Side. I was born and raised in Bay Side. Bay Side is a very poor area now. It was a very poor area then. I grew up in a third floor tenement and I know there were many, many times my parent, the parents of eight children probably not only wouldn't have made the seven days, they wouldn't have made the 15 days. Back in those years, the owners of property took care of the tenants. There was a very solicitous kind of relationship between the owners and their tenants, which doesn't exist today particularly with large landowners. Low-income families are at considerable risk even in meeting a 15-day demand pending an eviction. I urge us all to think of the little folks that we represent when we make this kind of decision. Support the Indefinite Postponement. Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I rise to say I hope you support the Indefinite Postponement of this bill. As I look at this bill and see the large landowners, I think of my small area in Skowhegan with over 600 renters. I think of the little apartment house next door, where there are six apartments and they are all filled. The landlord treats his tenants with trust and dignity. I know at times he has to forego a month or two of rent to keep a young family

going. I think of the three little girls who live on the second floor in an apartment with their mom and dad and how much their mother and father would like to have a house for them. Both parents work and the children are cared for by a woman on that same street. I think this is a bad piece of legislation. I think it is a bad piece of legislation for young families where both parents work and still, at times, need a helping hand. I think 15 days is too short to put a penalty on. I really think that seven days is above and beyond. I think there are a lot of landlords out there that would forego that late charge even if we implemented this legislation. I truly believe that we shouldn't make legislation for three large businesses who come in here and tell us they need to apply a late fee after seven days. These are Maine people, folks. There is a problem when they can't pay their rent. Thank you.

Representative NORBERT of Portland REQUESTED a roll call on the motion to INDEFINITELY POSTPONE the Bill and all accompanying papers.

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

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

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

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

Representative STEDMAN: Mr. Speaker, Men and Women of the House. To anyone who wishes to answer, does the landlord have any option in this case or is he required to enforce this to the seven-day limit? Is there an accommodation there that the landlord can use to make exceptions? Thanks.

The SPEAKER PRO TEM: 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 Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question of the good Representative, it is an option. It is not something that he or she has to do. While I am on my feet, if I may Mr. Speaker. I am a little confused with the testimony of the good Representative from Skowhegan, Representative Hatch, the three companies mentioned by Representative Chizmar were in opposition to the bill. They were not in support of the bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I am joining in what seems to be the chorus in asking for Indefinite Postponement of this bill. I don't care who testified for it or against it. I read it and it is bad public policy in my opinion. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I have heard a lot of debate this afternoon about this issue. I can relate because in my district I have an awful lot of people who work very hard who live in apartments. I don't even have to relate to that because I can go back to how I started. I remember being 19 and eloping with the man that I loved. I remember having crates for furniture and I remember thinking that this is wonderful. I remember having to budget every penny. After we struggled for a very long time our first child came and sometimes the child was sick. My son was sick

and I had to go to the doctors. It wasn't something that I had budgeted. I am not talking about people I represent. I am also talking about how I began, humble beginnings. I think we can all go back and relate to those days. They were the best of times, but they were the worst of times. This is what this is all about. It is really about fairness. Thank you.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise in support of the Indefinite Postponement of this bill and all accompanying papers. Four towns out of the five that I represent are in Somerset County. Somerset County is listed as the fourth poorest county in the state. As you know, a recent survey has come out to say that Maine's disposable income, we are 50th in country out of 50 states. My people up in the hinterland are just barely making it. They are struggling. I urge you to vote for the Indefinite Postponement of this bill. Thank you.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I, too, have crates in my living room as furniture, because I insist on paying my bills. I think it is bad public policy for us to encourage people to get more time than they need to meet their financial obligations. I know that sounds cruel. The fact of the matter is, if you are a tenant in the State of Maine you enjoy more protections provided by this Legislature, than any other state in the union. Nobody is going to kick you out. Even if you don't pay your rent, the landlord has to jump through hoops and go through a process that lasts anywhere from 45 to 60 days before you are even removed. I think we lost perspective on this issue and what we are trying to do. We are talking about the small landowners that have three or four units that have a mortgage that they have to pay, an obligation that is absolutely due each month. It seems fair to me that if the people that have contracted to rent that unit out are going to be late, the landlord ought to be able to collect some small stipend for that late payment. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I am a little uncomfortable listening to this debate, because it appears to be the big people against the little people and the Maine people against the compassionate people. I feel that I am compassionate, but I am definitely against the Indefinite Postponement of this bill. What about the people such as myself, my husband and many, many others. I used to be in the banking industry in the real estate field. I know many, many young families start out by buying a duplex. They start out by buying a duplex, because the rent that they receive from the other side of the duplex helps to pay their mortgage. It is very, very tight. They calculate it just as tightly as the people we are referring to as the little people. I don't like the term little people. I think it is very important that we realize that those people who have bought their homes are required to pay the payment just like the renters. Thank you.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. A point to remember in support of this Indefinite Postponement is that most landlords already have the tenant's security deposit to protect them against non-payment of

rent. You should keep in mind that not only are the landlords paid in advance for the first month's rent, they usually require a security deposit equal to at least one month's rent and some charge more. Many down in my district charge two-months rent for a security deposit. They have the ultimate security. They have the tenant's money up front and it is in hand as a condition of moving in to the premises. Few businesses enjoy that kind of protection on bills that they have. Additionally, the point needs to be made that they are paying their rent in advance. For instance, for the month of June, rent due June 1st, is for the full month. Having it go until the 15th, they are paying through the 30th of the month. Currently by having their rent due on the 15th of the month, in essence, they are paying their bills not only on time, but in advance. The current grace period that is built in the system is one of a very fine balance. Your smaller landlords, this is not a problem. They tend to be a lot more compassionate with the tenant. When you get into your duplexes and tenement buildings, that is when the landlord tenant relationship becomes more adversarial and when these people most need the state's protection. I urge your support for the Indefinite Postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I would just like to add a few more sentences to my reason to Indefinitely Postpone this bill. It is from the Maine Welfare Directors Association. It is stating that the Maine Welfare Directors Association would like to voice its opposition to LD 885, "An Act to Decrease the Time By Which Rent is Considered Late." This is the one thing about this bill from 15 to seven days. The last sentence is this. "Therefore this bill would either increase municipal general assistance expenditures or result in more evictions of clients." What we know is that anytime anyone is evicted, the landlord loses and the tenant loses, because that is an expensive process. I ask you to support my measure. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Men and Women of the House. In addressing a statement that was made requiring security deposits, they are put into a separate account and can only be used for specific reasons. Thank you.

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

ROLL CALL NO. 295

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Clark, Clough, Colwell, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Gillis, Glynn, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, MacDougall, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samsen, Sanborn, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette,

Collins, Cross, Daigle, Davis, Duncan, Foster, Gagne, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Perkins, Rosen, Savage C, Schneider, Shields, Stanwood, Stedman, Treadwell, True, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Cote, Shorey, Tuttle.

Yes, 91; No, 57; Absent, 3; Excused, 0.

91 having voted in the affirmative and 57 voted in the negative, with 3 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Discourage Consumption of Alcohol by Minors" (S.P. 422) (L.D. 1259)

Signed:

Senator:

CAREY of Kennebec

Representatives:

TUTTLE of Sanford

FISHER of Brewer

LABRECQUE of Gorham

MAYO of Bath

PERKINS of Penobscot

HEIDRICH of Oxford

McKENNEY of Cumberland

O'BRIEN of Lewiston

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

Signed:

Senators:

DAGGETT of Kennebec

FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon

GAGNE of Buckfield

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **FAILING OF PASSAGE TO BE ENGROSSED.**

READ.

Representative CHIZMAR of Lisbon moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House. I will be voting for the Majority Ought Not to Pass Report.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I would urge that you not accept the Minority Report and join the nine members of the legal and Veterans Affairs Committee in an Ought Not to Pass Report. There is one particular thing in this piece of legislation that I would draw to your attention. That is that it would be possible for a non-motor vehicle violation to lose your license for up to 90 days if the court so desired. There is a provision in here for a

liquor violation that does not take place in a motor vehicle. This would be the first time that we have linked a person's driver's license to such behavior. I would caution you to think about the slippery slope that this leads us on to with the passage of this particular piece of legislation. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Men and Women of the House. I need to make a point of clarification here. The primary and most significant aspect of the bill is the provision granting the court the authority, the discretion to suspend a minor's driver's license. This proposed legislation does not mandate that the license be suspended. The proposed language says the court may suspend the driver's license for a minor caught drinking. Current law already mandates suspension of a minor's driver's license if a minor is convicted of illegal transportation of alcohol. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I would urge you to vote against the pending motion and vote with the Majority Ought Not to Pass Report on this bill. The transportation of liquor issue where a court can suspend a license involves transporting liquor in the motor vehicle. There is a direct relationship between the penalty imposed, a suspension of the license and the wrongful act. That is a minor transporting that alcohol. This is a case where we want to encourage young people not to drink, but we also don't want to make the penalty that is not consistent with what the offense is. Drinking alcohol by a minor is a civil infraction with a civil penalty, now we are saying suspend their driver's licenses.

Let me give you a scenario. What are we trying to encourage? You have a minor that goes out and has some drinks when they shouldn't have and gets a friend, who wasn't drinking, to drive him home. They get stopped by the police for a headlight out and the police notices that the passenger, who used a designated driver and showed some sense, had some alcohol and is going to haul him in on underage drinking and have his license suspended. The more important message that I would like to get across is it is bad to drink and drive. That is where the lives are lost. I think that this is a step too far by suspending driver's licenses for non-motor vehicle related offenses. I would ask that you oppose this report and go on to the Ought Not to Pass report.

Representative TRACY of Rome moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

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

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

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I just heard testimony saying that with this penalty, the court may suspend a license. I am reading the bill and I don't see it that way. I was wondering if maybe I could be get a correction on that previous testimony. I read it that the court shall suspend the operator's license or right to operate or right to take a license of a minor found in violation of the section. Shall is a lot different than may, so I wish that previous speaker would please correct that.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the good Representative's question, if he would look at the bill on page 2 at the very top of the page, that is where he will find the words that the court may suspend the operator's license. Thank you.

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

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. Please forgive my earlier confusion. We all know the session is drawing long. I hope that you will vote to support the Indefinite Postponement of this bill. I think that we all have in our families and in our communities, minors who assist their families by holding part-time jobs, driving younger citizens to daycare, sporting events and after school events. I think we all know to our chagrin minors who have run into problems with the law through the possession of alcohol. Those are mistakes and minors come to learn of those mistakes through sanctions imposed on them by the court and the communities in which they live. This step, I think, would be too great because this step, so decided by the court, would impose on a family one less driver in that family to drive to work, one less family member to drive to daycare and after school sporting events. Many, many families depend on minors to shuttle other members of the families around. I, myself, was responsible for driving my two younger sisters around to ballet class and to ski camp when my parents were at work, actually when my mother was in the Legislature. I think this bill would very much hurt families who count on those drivers. It would further penalize people who were apprehended for non-motor vehicle offenses beyond, I think, what would be required and necessary to teach them the lesson that underage drinking is wrong and if you are apprehended with alcohol as a minor, you will be punished. The laws that are in place work. The court doesn't need this added tool to impose the law. Maine has very tough underage drinking laws. They work. Please do not put another burden on the families and on the courts by allowing them the prerogative of stripping someone of their motor vehicle license. Thank you. Please vote to Indefinitely Postpone this bill.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote to defeat the current motion so we may go forward and to pass this bill. I believe the license to operate a motor vehicle is a privilege granted by our society. It is not a right. We must make strong public statements against the consumption of alcohol by minors. We are not talking about a trivial matter here. It is a very serious thing when minors consume alcohol and are drawn into court. The average minor sipping a can of beer is not brought before a judge. There are many cases where they are for very serious issues. What we are giving here, is the judge the discretion to take away the privilege that we together grant this young man or woman, younger than the legal age of adulthood to drive a vehicle on the same road as you, I or as our families operate our cars. This is a courtroom proceeding. It is an option available to the judge as with every single courtroom proceeding there are appeals options available if a defendant feels they have been wronged. Will it be an inconvenience to the driver? I hope so. Will it be an inconvenience to the family of this person who has violated our liquor laws? I hope so. I hope it is an extreme

inconvenience to them. I hope it is what it is supposed to be, punishment. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Members of the House. I would just like to make a couple of comments. One, in response to a comment that I heard earlier about supposedly this having no correlation between the punishment and the crime. We do have an effective program here in the state where we take the licenses of those who don't come through with their child support obligations. It is a very effective program. The other thing I would like to say in response to a previous speaker, we all know, there is no dispute, that teenage alcohol misuse, abuse and even teenage alcoholism is rampant in this state. If there is anything we can do about it or anything we can attempt, in my view, we must try it. Yes, there is going to be inconveniences to the teenager and there is going to be huge inconveniences to the family. Having five children, as most of you know, the oldest does drive and yes, he could drive the others around. Believe me, there are plenty of times he could do that, but, to me, it is a message that I am willing to take. To me, it is enabling the minor by not letting them take this consequence. I would strongly urge you to defeat the pending motion so that we can go on to pass this bill. Thank you very much.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I think we are finally getting to a point where we are trying to make links with things that probably we shouldn't be linking. If we are concerned with the question of minors drinking, there are ways to deal with it. My position on people who drive under the influence, frankly, I would be willing to introduce legislation that the tolerance for all persons who drive in Maine is zero. That would help to solve the problem so there is no question as to whether or not they can have a couple of drinks and drive or four drinks and drive. It is zero. That would make it pretty clear. If we are going to start doing this, let me suggest a couple of other things that we ought to be considering and maybe amending this bill with. That is removing the driver's licenses of parents who let minors drink. Maybe that is where we ought to be going. It is the parents who are not, perhaps, providing the necessary ability to control the question of whether or not they ought to be drinking. If parents start losing their licenses, guess what, we might have some control. How far do you want to carry this link? If we really are concerned, why don't we take the driver's licenses from presidents of companies who allow pollution in this state? Let's carry that through. As we just heard, driver's licenses are a privilege. Let's take their privilege away if they violate they violate the waters of Maine. We can carry this to a point where it makes no sense. That is where I am afraid we are moving. I think the time has to kill this bill before we really come up with some great amendments on second reading.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I was making the motion to Indefinitely Postpone the bill and all accompanying papers and I would like to follow up on what the good Representative from Eagle Lake, Representative Martin, said. I think enough is enough is enough. I am willing to bet that the next thing we will know is somewhere along the line someone will come in and put a bill in that poor

Representative Tracy that lives in hinterlands with his chainsaw will be apprehended if he happens to have an empty can of beer next to his woodpile that he doesn't drink. Thank you.

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

ROLL CALL NO. 296

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

NAY - Ahearne, Bragdon, Bumps, Chick, Chizmar, Clark, Cross, Daigle, Foster, Gagne, Gerry, Jones, O'Brien JA, Sanborn, Shields, Snowe-Mello, Treadwell, True, Wheeler GJ.

ABSENT - Cote, Shorey, Tobin J, Tuttle.

Yes, 128; No, 19; Absent, 4; Excused, 0.

128 having voted in the affirmative and 19 voted in the negative, with 4 being absent, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

BILL RECALLED FROM ENGROSSING DEPARTMENT

(Pursuant to Joint Order - House Paper 1594)

Bill "An Act to Create the Sex Offender Registration and Notification Act of 1999"

(S.P. 597) (L.D. 1721)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-332)**.

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

The same Representative **PRESENTED** House Amendment "A" (H-679) which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-332)** and **House Amendment "A" (H-679)** in **NON-CONCURRENCE** and sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 252) (L.D. 356) Bill "An Act to Change the Sales Tax Treatment of Rentals of Audio Equipment and Furniture" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-677)**

(H.P. 610) (L.D. 850) Bill "An Act to Institute Wild Number Beano" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-675)**

(H.P. 1063) (L.D. 1494) Bill "An Act to Ensure the Documentation of the Transfer of Ownership of Mobile and Modular Construction Homes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-678)**

(H.P. 1554) (L.D. 2211) Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-680)**

(H.P. 1577) (L.D. 2224) Bill "An Act to Clarify the Definitions of 'Contribution' and 'Expenditure' under the Campaign Finance Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Eliot, the following Joint Order: (H.P. 1596) (Cosponsored by President LAWRENCE of York and Representatives: LEMONT of Kittery, MacDOUGALL of North Berwick, MURPHY of Berwick)

ORDERED, the Senate concurring, that the Commission to Review Traffic Congestion on Route 236 from Kittery to Berwick, referred to in this order as the "commission," is established.

1. **Membership**. The commission consists of 12 members appointed as follows:

A. The President of the Senate shall appoint 2 members from the Senate, one of whom serves on the Joint Standing Committee on Transportation and one of whom represents a Senate district in York County;

B. The Speaker of the House shall appoint 2 members from the House of Representatives, one of whom serves on the Joint Standing Committee on Transportation and one of whom represents a House district in the York County area;

C. The managers of the towns of Kittery, Eliot, Berwick and South Berwick or their designees; and

D. The chiefs of police for the towns of Kittery, Eliot, Berwick and South Berwick or their designees.

2. Chairs. The first named Senate member is the Senate chair and the first named House member is the House chair of the commission.

3. Convening of commission. All appointments to the commission must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is completed, the chairs of the commission shall call and convene the first meeting of the commission, which may occur no later than 30 days after all appointments have been made.

4. Duties. The commission shall conduct a comprehensive review of the following:

- A. Past, current and projected traffic flows and patterns along Route 236, the Maine Turnpike and other major roadways in the York County area between Kittery and Berwick;
- B. Vehicular accident rates in the Route 236 corridor from Kittery to Berwick;
- C. Noise and dust pollution resulting from traffic and its effects on area businesses and residents;
- D. Traffic weigh station activities, truck violations and the extent of traffic diverted from the Maine Turnpike in the York County area to avoid weigh station inspections;
- E. Current local roadway signage, traffic signals, local traffic conditions and patterns and the increased number of curb cuts and their effect on traffic congestion;
- F. Traffic patterns of non-local traffic; and
- G. State and local law enforcement coverage along the Route 236 corridor from Kittery to Berwick.

5. Participation by state departments. In studying these matters, the commission shall invite the participation of the Commissioner of Public Safety, the Commissioner of Transportation and the Executive Director of the Maine Turnpike Authority, or their designees. The commission may require the Department of Transportation, the Department of Public Safety and the Maine Turnpike Authority to provide the commission with such highway, traffic and other information as it determines necessary and beneficial to conduct its study of traffic congestion. In addition, the commission may seek relevant information from experts and interested persons.

6. Meetings. In conducting its duties, the commission may meet at such times and locations as approved by the President of the Senate and the Speaker of the House of Representatives, except that at least 2 informational meetings of the commission must be held in York County.

7. Staff assistance. Upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide staffing services to the commission.

8. Compensation. Legislative members are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem

equal to the legislative per diem for their attendance at authorized meetings of the commission.

9. Reporting date. The commission shall conclude its review and submit a report of its findings and recommendations, along with any suggested legislation, to the Joint Standing Committee on Transportation and to the Commissioner of Transportation by January 14, 2000. If the commission finds it is unable to meet its reporting date, the chairs shall submit to the Legislative Council, in writing, a request for extension of the reporting date, the reasons an extension is requested and a proposed new reporting date prior to the reporting date. The Legislative Council may grant an extension. Upon the submission of its required report, the commission terminates.

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

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

READ.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Briefly, this is just a follow up to a southern Maine regional planning commission that we had two years ago that did a study on Route 236. We are just trying to complete this with a commission from legislative people to help out with the problems and the congestion that we do have on Route 236 and the number of serious accidents that have been happening in recent months. Thank you.

Representative TRACY of Rome **REQUESTED** a roll call on **PASSAGE**.

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 Kittery, Representative Lemont.

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I want to thank the good Representative from Eliot for bringing this Joint Order forward. I am very familiar with Route 236. It starts in the heart of my district and runs northwest. Unfortunately, we have gone from accidents on that road to recently fatalities. This commission does nothing more then review with a time certain of a report back or recommendation. I hope you will follow the good Representative from Eliot's light in helping us address this traffic problem in our area. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. Route 236 ends in the middle of my town. I want to thank the good Representative from Eliot for bringing it forward. If you drove down 236, you would say, what a nice road. There are three schools, or there will be shortly, on the road. I don't think anyone knows why we have had the fatalities on that road. I think it is time that we have a study done on that and find out some answers. It doesn't seem as though

this should happen. We have had some very serious fatalities. In fact, a young cousin of my husband, her fiancé was killed one morning going to work on Route 236. All he was doing was just driving down the road. It has hit home a little bit. I would hope that you would join us in passing this order. Thank you.

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

Representative BULL: Mr. Speaker, May I pose a series of questions through the Chair?

The SPEAKER: The Representative may pose his questions.

Representative BULL: Mr. Speaker, Men and Women of the House. If anybody can answer, are there other areas of the state where we have problems with highways that are afforded such a study commission? What is the fiscal note on this?

The SPEAKER: The Representative from Freeport, Representative Bull has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. With the process that we have through legislative Joint Orders, anybody can put a Joint Order in for any part of the state that has a problem. I would suggest the Representative, if he has a problem in his district, he could so do this. This will be put in front of the Legislative Council and there may be a number of meetings that need to have minor funding done, but it has to go through the Legislative Council for approval.

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

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. Statistically Route 236 has the highest rate per mile of accident plus deaths of any road in the State of Maine. A lot of it is due to speed, but the resources of the law enforcement of that area are limited, but I have looked into this and in doing some research on another project found that 236 has more deaths per mile than any other road in the state. Also, I would be remiss that it doesn't go through my district, but my wife travels the road everyday to work.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House. I would like to respond to the question from the Representative from Freeport, Representative Bull. In fact, there have been at least two studies in my memory that I can recall, one on Route 6 and one on Route 9, both through Washington County, the Airline Road.

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

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

The SPEAKER: The Representative may pose her question.

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I was wondering if anyone could answer this question. Why with a half a billion dollar budget for DOT, which involves the Commissioner of Public Safety, the Commissioner of Transportation and the Director of the Maine Turnpike Authority and others who are involved in this sort of thing from day to day why they can't handle this without this additional study?

The SPEAKER: The Representative from Newport, Representative Kasprzak has posed a question through the

Chair to anyone who may care to respond. The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. To answer the good Representative's question, unfortunately sometimes we need to take positions or actions to try to encourage departments to look into different areas that are having an excess of problems. Thank you.

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

ROLL CALL NO. 297

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, 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, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Bull, Fisher, Kasprzak, Lindahl, Marvin, Waterhouse.

ABSENT - Bragdon, Bryant, Cote, Green, Matthews, Shorey, Tuttle.

Yes, 137; No, 7; Absent, 7; Excused, 0.

137 having voted in the affirmative and 7 voted in the negative, with 7 being absent, the Joint Order was **PASSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Emergency Measure

An Act Concerning Technical Changes to the Tax Laws
(S.P. 440) (L.D. 1277)
(C. "A" S-329)

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

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

Emergency Measure

An Act to Amend the Water Quality Laws to Establish a New Standard for Mercury Discharges
(S.P. 716) (L.D. 2038)
(C. "A" S-316)

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. 116 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies

(H.P. 1518) (L.D. 2166)
(C. "A" H-634)

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

Emergency Measure

An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife Regarding Surface Use on Great Ponds

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

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

Representative CLARK of Millinocket moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative DUNLAP of Old Town **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I would like to remind everyone that this bill is a result of recommendations brought forward by municipalities regarding surface water use in conformance with regulations promulgated by the Department of Inland Fisheries and Wildlife as described by this Legislature in the 118th session. This was a unanimous committee report. I am a bit surprised by the pending motion. I hope that you will vote against it. Thank you.

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

ROLL CALL NO. 298

YEA - Ahearn, Belanger, Campbell, Carr, Clark, Cross, Foster, Gerry, Gillis, Glynn, Goodwin, Jodrey, Joy, Kasprzak, Labrecque, Lovett, Mack, McKenney, McNeil, Mendros, O'Neal, Pinkham, Richardson E, Sanborn, Sherman, Stanley, Stedman, Tobin J, Treadwell, Wheeler EM.

NAY - Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey,

McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bragdon, Bryant, Cote, Green, MacDougall, Matthews, Shorey, Tuttle, Winsor.

Yes, 30; No, 112; Absent, 9; Excused, 0.

30 having voted in the affirmative and 112 voted in the negative, with 9 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 30 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act to Increase the Availability of Prescription Drugs for the State's Elderly

(H.P. 228) (L.D. 332)
(C. "A" H-657)

An Act to Provide Tax-exempt Status to Organizations That Teach Reading

(H.P. 271) (L.D. 379)
(C. "B" H-647)

An Act to Exempt Certain Trusts from the Rule Against Perpetuities

(H.P. 371) (L.D. 496)
(C. "A" H-636)

An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Child Welfare Services for Indian Children

(H.P. 392) (L.D. 523)
(C. "A" H-658)

An Act to Amend the Laws Governing the Land Application of Municipal Wastewater Treatment Plant Sludge

(S.P. 307) (L.D. 909)
(C. "A" S-317)

An Act to Protect Victims of Crimes in the Workplace

(H.P. 688) (L.D. 944)
(C. "A" H-642)

An Act to Make Technical Changes and Improvements to the Employment Tax Increment Financing Program

(H.P. 932) (L.D. 1309)

An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial

(H.P. 1076) (L.D. 1523)
(C. "A" H-637)

An Act to Improve Medical Support for Children

(H.P. 1078) (L.D. 1525)
(C. "A" H-655)

An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program

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

(C. "B" S-142)

An Act to Improve Access to Education for Parents as Scholars Program Participants

(H.P. 1115) (L.D. 1574)

(C. "A" H-656)

An Act to Reimburse Collectors of Sales and Use Taxes

(H.P. 1150) (L.D. 1647)

(C. "A" H-646)

An Act to Increase the Amount of Revenue Dedicated to Local Revenue Sharing

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

(C. "A" H-651)

An Act to Amend the Electric Industry Restructuring Laws

(H.P. 1509) (L.D. 2154)

(C. "A" H-620)

An Act to Promote Participation in the Maine Residents Property Tax Program

(H.P. 1527) (L.D. 2180)

(C. "A" H-648)

An Act to Prohibit Law Suits by Municipalities Against Firearm or Ammunition Manufacturers

(H.P. 1537) (L.D. 2192)

(C. "A" H-442)

An Act to License Interpreters for the Deaf and Hard-of-Hearing

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

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, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(H.P. 1279) (L.D. 1840)

(C. "A" H-645)

Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations

(H.P. 1528) (L.D. 2181)

(C. "A" H-654)

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 Require a Written Record of the Subject Matters Discussed in Executive Sessions

(H.P. 143) (L.D. 205)

(C. "A" H-635)

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

On motion of Representative RINES of Wiscasset, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

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

The SPEAKER: The Representative may pose his question.

Representative RINES: Mr. Speaker, Men and Women of the House. I have House Amendment (H-635) in front of me, which says that this is a mandate. I am wondering if this is indeed a mandate?

The SPEAKER: The Representative from Wiscasset, Representative Rines has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Men and Women of the House. In answer to the good Representative's question, this LD 205 as originally presented was a mandate. The Judiciary Committee reviewed this bill and offered a Committee Amendment, which changed the title of the bill and several of the paragraphs within it to do a slightly different thing in the same direction. My understanding is that it is no longer a mandate. It was a unanimous report from Judiciary. Thank you.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 830)

JOINT RESOLUTION RECOGNIZING THE BOYS AND GIRLS CLUBS OF MAINE

WHEREAS, the young people of Maine are tomorrow's leaders; and

WHEREAS, many young people need professional youth development services to help them cope with a wide range of needs and interests; and

WHEREAS, the Boys and Girls Clubs have been serving youths in Maine since 1909 and now have facilities in Lewiston-Auburn, Madison, Portland, South Portland and Waterville that serve over 5,000 young people from those communities and other areas; and

WHEREAS, the Boys and Girls Clubs in the State help ensure that young people are offered a safe and supportive haven to go and provided with high quality programs; and

WHEREAS, Sam Carlo of Portland, April Collins of Auburn, Jamie Mayberry of South Portland and Ian Mette of Waterville were each recently named 1999 Youth of the Year for their local clubs; and

WHEREAS, Peter L. Haynes of Yarmouth, who has been elected chair of the National Board for Boys and Girls Clubs of America, has made the needs of disadvantaged children a top priority nationwide; and

WHEREAS, the Boys and Girls Clubs of Maine will continue to play an integral role in reaching out to serve more youths in need, along with 2,200 clubs nationwide serving more than 3,000,000 young people; 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 recognize the Boys and Girls Clubs of Maine; 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, Peter L. Haynes of Yarmouth, Sam Carlo of Portland, April Collins of Auburn, Jamie Mayberry of South Portland, Ian Mette of Waterville and the Boys and Girls Clubs of Maine located in South Portland, Portland, Madison, Waterville and Lewiston-Auburn.

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

Non-Concurrent Matter

Bill "An Act to Promote Effective Management of Occupational Exposure to HIV"

(S.P. 626) (L.D. 1791)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-327) in the House on May 25, 1999.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-326)** in **NON-CONCURRENCE**.

Representative SCHNEIDER of Durham moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

Representative THOMPSON of Naples moved that the House **RECEDE AND CONCUR**.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote against the pending motion. This is the bill that we passed in the House not too long ago. It is a good bill. It covers everybody that is concerned with these blood borne pathogens. I hope you will vote the same way you did before and go on to the Insist motion with the Committee of Conference. Thank you.

Representative SCHNEIDER of Durham **REQUESTED** a division on the motion to **RECEDE AND CONCUR**.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. As I understood, one of these amendments covered a certain specific group of people in the health field and the other amendment expanded that to cover a lot more people. I believe I understand those amendments, but I would like somebody to clear that up. If, in fact, one of them covers a much broader scope of people, how will it work and how will people understand what their parameters are?

The SPEAKER: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, the report that was adopted by the Senate, which was the Majority Report, covers health care workers, basically. The report which the House originally accepted expands that to all

OSHA businesses that are covered by OSHA regulations pertaining to blood borne pathogens. The reason for the two reports is the majority of the committee felt that since the original bill was solely assigned towards health care workers that to broaden it beyond that was beyond the scope of the original bill and we put a provision in the report to bring it back next session to look at broadening this issue. That is the two reports.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I would urge you to vote not to Recede and Concur. The Minority Report does include a greater number of employees. The kind of employees that this covers are what OSHA defines as employers whose employees could be reasonably anticipated to be in contact with blood or other infectious materials. Employers who fall into this definition must develop an exposure control plan, use universal precautions and have the availability of personal protective equipment, provide information and training to employees, evaluate and follow up on exposures and keep records of exposures for the duration of employment plus 30 years. These employers are not specifically listed, but they know who they are under OSHA. They are businesses that include employees such as, school bus drivers, funeral homes, janitorial services, maid services and educational employees. What we have here is basically a system of haves and have-nots. The Majority Report is for the haves. The people who work in a health care facility will have access to fast, effective management of a possible HIV infection. Everyone else, including employees who fall under the OSHA guideline and are found to reasonably anticipate to come in contact with blood will be considered have-nots. They will not have access to quick and reassuring time of treatment for a possible HIV infection. What we said is if you are a doctor, nurse or someone in the health care profession, you get faster treatment and faster access than someone who happens to clean hotel rooms or work in a funeral home. If you think that is fair, vote to Recede and Concur. If you think that is not fair, then I would ask you to move on to Insist. We have set up double standards here and I would appreciate your vote. Please vote red.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I rise for the pending motion and to also attempt to answer the good Representative from Rumford, Representative Cameron's question about how this bill will be implemented. That was one of the concerns in committee about how sure exactly this would be implemented. There were some questions in committee about who this would cover and how it would be implemented. That is why we wanted the Department of Human Services to have over the summer, through next fall, to look at this issue more in depth and to come back with recommendations for further legislation to further cover more people. This is not a question of have and have-nots. It is not. It is simply a question of what we know we can do now and then coming back to cover more people as you get the information available. I urge you to support the pending motion.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. In three months if a nurse is splashed with blood in the carrying out of her duties and the person cannot get permission to have the blood tested, a nurse can follow the

procedures set out in the Majority Report. If in the next three months a teacher on a school playground is splashed with blood, the teachers may not avail themselves of the Majority Report. They will have to go to court and get a court order in order to do what a nurse or a doctor will be able to do under the Majority Report. If that seems fair to you while the rest of everyone waits, then please vote to Recede and Concur. The reason this bill was brought to us is because HIV testing can now be done in an hour. We have discovered that HIV prophylactic measures started within several hours of an exposure can completely negate an HIV infection. Within three days it drops to a 50/50 chance of an HIV infection. It is a simple question. I ask you to consider it. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. Recognizing that I am not on this committee and I did not sit through the public hearing, but have followed it some, I stand to be corrected if my concerns that I express are incorrect.

As most of you know, I work in a paper company and a number of the rest of you in here have some association with that kind of a facility, manufacturing facility. Those facilities are covered under the OSHA guidelines of caring for people who have been exposed to blood borne pathogens. I am no expert on the issue by any means, but I know in the facility that I work in and others like it, the company is required to do extensive training to the members of their company so if they are exposed to this kind of situation, they know how to deal with it. Having said that, I know full well that training does not include some of the things that we have heard here this evening about how quick response from a treatment standpoint can mitigate the potential of exposure of HIV. That is not in the training. It is news to me as of today. It is good news, but there is some potential way to avoid that level of infection. This is the part that I am rather unclear about even after having read the bill.

If I do understand the bill correctly, the intent of the bill is to somehow force the person from whom the blood exposure has occurred, not the person exposed, but the exposer I guess you would call it, can be forced to have an HIV test. While I think the intent of the bill, particularly in the medical field, is an especially good idea, I have some real deep concerns about applying this bill in the kind of workplaces we are talking about. Again, having worked in the facility that I work in and that a number of you others have worked in, you know, particularly in a maintenance crew that a partner can get injured to cause bleeding very easily. If the members of that facility should not know about this and do not follow up on this, what is the company's exposure from a liability standpoint? Somehow we can get to a point where everyone is trained that this is a possibility and how it should be done, like we have trained people on blood borne pathogens, but this piece is missing from the training. If we pass this now, I don't see how that piece is going to be introduced to the training and people will be trained on how to deal with this particular law in conjunction with the other training that has to do with dealing with blood borne pathogens in a general sense.

Let's suppose something does happen and someone is injured and their partner or their workmate is exposed to some bodily fluid that has the potential of carrying pathogens and this doesn't happen in that two hours. Is that facility or that individual now exposed potentially to some kind of a lawsuit or liability as we have just had a Supreme Court case deciding that schools

are now liable if they don't address sexual harassment. I am concerned of what we are potentially setting up here. While as I understand what the bill is about, I think it is a great idea, but if I understand the other part of it, I would urge you to stick with the original proposal, go with the study and let's address all of the issues. We have heard a few of the people that have been exposed, but let me assure you that OSHA rules cover almost every workplace in Maine. This is not a small issue. I don't want anybody to walk out of this room thinking that I don't care about the have and have-nots. I think the intent is good, but I don't think in a non-health care setting we are presently ready to implement this. I would urge you to vote for the study so that we can look at this and put the parameters together so everybody will gain from it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I would also like to clarify for the people in the House what this bill does and what it doesn't do. It doesn't authorize anyone to compel someone to get test. The main reason this was brought forward is in health care settings when you have someone who is exposed to blood, let's take the example of a nurse who sticks herself with a needle after it has been used on a patient and they don't know if that person has HIV or AIDES. If that patient is not there or is unable to give their consent to a test, unconscious and they can't even ask the patient if they can take a test, it sets up a protocol of asking a relative of that patient, can we take a test? It sets up ways to make sure that that test is then kept confidential except for purposes of providing the result to the person who was exposed so they can make a determination on whether they want to avail themselves of the protocols which are available for quick treatment. If the person denies consent for the test, the original patient denies consent to the test or if they are unavailable and the relative denies, then they have to go to court to get the permission, just like anyone else. The protocols are set up in the health care settings right now. They are not set up in a mill. You don't have people unavailable the way you do in a hospital. Often in a hospital they will have a blood sample already taken that they could test.

The bill was brought to us on that narrow setting. We never took any public testimony regarding broadening it. During the work session there was a proposal made to broaden it. We asked our analyst to tell us what OSHA occupations meant. Who is covered by OSHA and can you tell us? No, but they know who they are. That is not good enough for me. I want to know more. I want to know more before I put this into place and rely on people to enforce it and do it properly before I vote for it.

It is also way beyond the scope of the original bill. When the majority of the committee is not comfortable with going beyond the scope of the original bill, then I think that should be respected. They understand that this is an important issue and they want to move forward to try to make it available to more people in Maine. You don't just jump into doing it. We didn't take testimony from people who are covered by OSHA. Some of the things that the good Representative from Rumford just said, I didn't know. It wasn't presented to us. We are going into areas we don't know anything about and that should scare us. Maybe it is my fault that I didn't get up and explain it better the first time this bill came forward. I will accept that responsibility. I feel strongly that we don't go places in this type of an area without knowing what we are doing. I am telling you that personally I

don't know where this other report is going. I understand what it says very clearly, but I don't know if I know of all the ramifications. Before you vote for it, you had better believe that you know of all the ramifications.

I don't question the motives of any other committee members on my committee at all that voted for the other report. They want to expand it to cover more people. That is a great idea. I just personally think they are moving too fast. I would ask that you vote for the Recede and Concur.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. The people who work in these businesses and I have worked in a business covered by OSHA. I have had to facilitate the training, get the shots and make sure the equipment is on hand, make sure the hazmat gloves, hats, booties and everything is on hand. Those businesses know who they are. As a business owner, I know what my responsibilities to my employees are. This is narrow. It is for the person who can't give permission. It certainly is. If we are going to say that there are employers out there who don't know what their responsibilities are regarding blood borne pathogens, then you haven't been following for the last six to eight years industry recommendations, OSHA recommendations and the amount of money that businesses all over Maine have had to spend in order to become OSHA compliant on blood borne pathogens. It is not new. There are people in the mills who understand this and it is their job to set up safety programs and to understand it. Frankly, I am amazed that we are suddenly worried about tort and I hope that continues on through next week when we discuss tort reform. We are not talking about catching a common cold here. HIV does not wait for a study. It doesn't wait. We used to have no recourse, but now that there is recourse, I just can't imagine being afraid to jump in. We did hear testimony at the public hearing. We were actually asked to include good Samaritan acts, which we declined to do because we didn't know how to regulate that. God forbid you should help someone not as part of your job and be exposed to blood borne pathogens because you are definitely not covered under this. This is for a bona fide exposure, occupational exposure as part of your job you have been exposed to blood borne pathogens.

Employers across the State of Maine really know about it. Unfortunately it is a reflection of what little the Legislature knows about what employers have to do in the State of Maine to have to stand up here and have to explain it. We have been preparing for it for a long time and spending a lot of money on it. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I am really concerned about the narrowness of the motion and we have heard concerns about moving into a wider or newer area and being scared about doing that. Speaking from the vantage point of a teacher, our schools are awash in blood. If you are an elementary school teacher, you have scratchers and biters. We have mainstreamed a large population and when you go into the elementary school classroom today, blood is evident every day. When I am in the classroom one to two times a week, I break up fights. It used to be boys, but now it is girls. Ten or 15 years ago I used to worry about the stain removal. You have two 17 or 18 year old boys and your first immediate concern is that I have to stop them from harming each other. As

you are on the fringe of that fight and you are driven by that I have got to stop them from harming each other, you begin to realize that when you go into that fray, you are worrying about more than stain removal. If you have ever seen the aftermath of two 18 year olds in a school corridor when they have had only three to four minutes at each other, the janitors come in with a mop bucket. The blood is over people. The people that have been involved and the teacher is covered in blood. This motion narrowly defines it only to health areas. You have a concern. I hope you have a concern about what is happening in Maine's schools. That hesitation that as you are at that fringe and you have that voice inside of you saying you need to stop this before they hurt each other, there is another voice saying this could kill me. That is a fact of life of what is happening in schools. They are more violent. We have had to focus on what has happened at schools with national acts of violence. American schools have always been violent except it is fists and biting, whether they are 18 years old boys or girls or elementary school students. I would urge this House not to so narrowly define this, but to look at this in a much wider area. Thank you.

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

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

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

ROLL CALL NO. 299

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

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

ABSENT - Bragdon, Cote, Goodwin, 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 House voted to **RECEDE AND CONCUR**.

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. 281) (L.D. 799) Bill "An Act Requiring Labeling of Unpasteurized Milk Products" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-346)**

(S.P. 532) (L.D. 1594) Bill "An Act to Promote Equity Among Health Care Clinics" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-347)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Protect Medicaid Recipients and Providers from Unintended Consequences of the Noncompliance of the Department of Human Services with Year 2000 Readiness"

(H.P. 1597) (L.D. 2242)

Presented by Representative GLYNN of South Portland.

Cosponsored by Senator MICHAUD of Penobscot and Representatives: BRAGDON of Bangor, BROOKS of Winterport, MacDOUGALL of North Berwick, MACK of Standish, SHIELDS of Auburn, SNOWE-MELLO of Poland, Senators: LIBBY of York, MITCHELL of Penobscot.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

SENATE PAPERS

Non-Concurrent Matter

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

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

House **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)** in the House on May 12, 1999.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395) AND SENATE AMENDMENT "A" (S-336)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Address Liquidation Harvesting

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

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in the House on May 21, 1999.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640)** in **NON-CONCURRENCE**.

Representative GOOLEY of Farmington moved that the House **ADHERE**.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. The outward appearance of LD 2179, "Resolve, to Address Liquidation Harvesting" certainly has an innocent look to it. It is only to study liquidation harvesting as part of a larger study. The Maine Forest Service would be the state agency involved. The Forest Service would have to make specific policy recommendations to deal with the problem. The problem, in whose mind. If there is a willing buyer seller relationship and no state laws are being broken, who has the right to question the removal of trees? The property owner pays the local property taxes, state income taxes and federal income taxes. It used to be that the federal government gave capital gains treatment to the harvest of timber until 1986, but now it is treated as ordinary income. Owning timber for long-term profits unless you own the mill is marginal at best. There is risk in the ownership of forestlands. The ice storm of 1998 drastically lowered the value of thousands of Maine woodlots. Because of the ice storm many forest owners have salvaged timber and some have sold their forested property and some to loggers. Property is a commodity. LD 2179 would put the commissioner of Conservation on notice to develop a proposal for legislation to curtail and regulate the so-called liquidation harvesting. He will not be able to say it is not a problem. Effectively, he will be between a rock and a hard place. Woodlot owners currently can sell their property and if handled properly can obtain full value or close to it. If loggers were penalized for short-term ownership, then the net losers would be the current owner because offers for purchase would go down. It makes sense. The Maine Forest Service already has regulatory responsibilities and also must report to the Legislature on a variety of subjects including clear-cutting and other forest practices. They also have a major educational responsibility for public education as it concerns forest practices. I am sorry, but we will be barking up the wrong tree if we tell the Maine Forest Service to research the liquidation harvest issue. It will only lead to further eroding of landowner rights. A study sounds harmless, but in this case it is a deliberate act. I will be voting to Adhere. Thank you.

Representative McKEE of Wayne moved that the House **RECEDE AND CONCUR**.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I rise this evening to ask you to Recede and Concur. Obviously the members in the other body felt that it was important enough an issue for them to ask the Maine Forest Service to continue in their studies of liquidation harvesting in the State of Maine. As a new member, as I mentioned before, of the Agriculture, Conservation and Forestry Committee, I felt in our public hearing that the testimony that we heard and in the subsequent work session, not just one, but several on this issue that there were a number of on the committee, the Majority Report, that felt that this issue needed to be delved into more

extensively. All this Resolve asks that is the Department of Forestry that is part of their annual biennial report to the Agricultural, Conservation and Forestry Committee that they include more information about liquidation harvesting. I am really dismayed to hear members of this body refer to liquidation harvesting as though it does not exist. In fact, it does. If it exists in Vermont, it certainly exists in Maine. We certainly heard enough testimony to that effect. I represent a community that has liquidation forestry happening right now. I am a member of a Senate District that has liquidation forestry happening right now.

I was opposed to the committee taking my legislation and extending it to the year 2001. In fact, I will repeat to you what I said to the committee. Even if this Resolve passes and we ask the department to come back with more information and recommendations, I am afraid we are sending a message loud and clear to those that are abusive, do not practice good forest management, rape the land and certainly take advantage of elderly people in my community who have property and are looking to have some income in their retirement. This is a consumer issue for my constituents. You may put your head in the sand and deny, deny, deny, but it actually happens in Maine. I certainly have confidence in the Department of Forestry to look into this issue and bring us more information so we, if we are here in the 120th, can make some rational decisions about how to address poor forest management. I beseech you to defeat the pending motion and to support the pending motion to Recede and Concur.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. I would just like to remind you that this bill does not add any regulation of land use practices. It is not the regulation of any harvest practices. This bill, as amended by the Majority Report of the committee, is simply asking the Maine Forest Service to do some information gathering and report its findings along with their regular biennial State of the Forest Report when it is due in 2001. The Forest Service will define what poor forest practices are and simply make some science-based recommendations to the next Legislature so that the next incarnation of this body will be able to address issues of poor forest management including practices that are allegedly occurring such as high grading and liquidation harvesting. Again, this bill is not any new regulation, but is simply an information gathering process. Please support the Majority Ought to Pass Report and the pending motion. Mr. Speaker, when the vote is taken, I request a roll call.

Representative COWGER of Hallowell REQUESTED a roll call on the motion to RECEDE AND CONCUR.

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

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

Representative TRAHAN: Mr. Speaker, Members of the House. The other day someone said to me, don't be naive, you are in the big leagues now boy. What are we really trying to get at here? I had a long conversation last week when this bill was debated on the floor about poor timber harvesting and people on the edge of law. We all know what liquidation harvesting is. Why do we have to do a study? Let's go to the real route of the matter, poor timber harvesting practices. Back in 1989 when we developed the Forestry Practices Act, I was a player in that debate. I remember the debate. It was to improve forestry

practices. That is why it was initiated. Yet, every year we continue to go further and further to the point where we are today. We are trying to regulate decency. That is the bottom line. Let me explain that.

We have a person who works on the edge of the law. We can pass more regulations. Right now, when a person harvests a woodlot for it not to be considered a clear-cut, they have to leave 30 feet of basal area, which means when you measure a tree at breast level, there has to be over 30 feet if you multiply those trees times an acre, there has to be 30 feet left for it not to be considered a clear-cut. There have been attempts to increase that 45 feet. If you increase that 45 feet, the individual who is out there doing this poor timber harvesting practices, what they are doing is going in and cutting the wood and leaving the poor trees so it is not considered a clear-cut. They might be leaving hardwood trees that are poor quality. Guess what, he is going to leave more hardwood trees if you require 45 feet, this same person who is working on the edge of law is going to leave 45 feet of poor quality trees. You have not got to the route of your problem. I said that in the last debate. Shine the light on these people. In your communities the people that are practicing poor forestry practices, shine the light on them. I bet you in your community most of you don't know who the people are cutting these woodlots and doing a poor job. Find out who they are. If they are leaving horrible messes, find out who they are. Pass that information on to your constituents, because that is how it gets done. We are trying to regulate decency and it just doesn't happen that way. They will continue to ride this narrow line between law and law breaking.

I want to explain why this is really ban clear-cutting. If we continue to regulate and say, we just passed a law that said you can only clear-cut 20 acres, now they want to go into the other part of their land, the other 30 acres, and they want to do some timber harvesting. If you got that same poor timber harvester in there, he is going to do exactly what I said. He is going to go in and take all the best wood. It is called high grading. If you really want to do something good for the land, you get a good operator on that property. That is the difference. That is where we should be stressing our energy in getting good operators. We are going in that direction. We are getting licensed. We are improving our Forestry Practices Act every year. You are moving in the right direction. We don't need a study. We know what it is. We are big boys and big girls. It is time we put the light on these people. They will either move out of the area or they will move out of the state if you shine the light on them. I have watched them. I have lived in my community for 15 years and I have never had one bad comment from a person when I harvested their woodlots. You know what, the ones that come in and butcher and steal, they move around the state like a gypsy, because they get a bad reputation and they have to move on. That is how you will stop them. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. This bill seems innocuous enough. It is a study. How many studies have never resulted in some legislation? I think it has already been said, but this is going to put the Forest Service between a rock and hard place because they are essentially going to come back with some recommendations. In fact, the bill asks them to come back with a basis for legislation to address the problem. The problem with that is we have just passed some substantial rules, which are

going to affect all of the landowners in the state. If it is going to affect so-called liquidation harvesting to some degree and poor forestry practices. The real problem that I see is every Legislature for the last few years has come up with more and more rules and regulations. What that does is it tends to destabilize the industry. That is the real problem that I believe that will affect us. If we keep doing this, people are going to throw up their hands or they are going to go cut off their woodlots so they don't have to mess with the regulations. That has already been done to some degree. That is a negative aspect that you are facing when this happens.

If it was a crop that you raised in one year, that would be one thing, but when people make plans for 10, 20 or 30 years in advance and then you pass some more rules and you change the rules, it becomes a real serious problem for the people who are trying to do a real decent job. That is the seriousness of this situation. Forestry in Maine is the lifeblood of this economy. It is the largest contributor to the economy. It pays the best wages to this economy. We can't afford to keep doing this year after year or we will eventually drive people who own the land out of business or to other use. If you look at the rules and regulations from the state level on down to the community level, if you want to do something else with the land like put houses in, road or airports, you can do it, but when it comes to managing the land and trying to keep it in trees, the loopholes that we have to jump through keep getting more and more and smaller and smaller. In other words, ladies and gentlemen, it is more difficult to do it. Every time there is a rule or regulation passed it gives the landowner less options on how to manage his land. It gives me as a forester less options to offer him in how to manage his land. It has become very serious in Maine and we really ought to look at this very seriously before we pass any more legislation of this type. Thank you.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House. It seems like just a couple days ago we debated this before. I won't take a lot of time, but I do want to give a brief synopsis of some of the things we covered the other day because we have had a lot of bills before us and a lot of things to think about at that time. I just want to remind you that during my testimony before that I quoted some of the information was received at our public hearing. The acting director of the Maine Forest Service stated, "We have already put the breaks on liquidation harvesting through the existing forest practices rules." He went on to say that he does not support the concept. He 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. These are some of the things that he said. I also want to remind you and it goes along with some of the information of previous speakers is that we need to keep some continuity to the Forest Practices Act. This year we added more rules and regulations, which will help in some of the problems. None of us here want to see liquidation harvesting. It is just a matter of how we accomplish that. I think that by going with the recommendations of the Forest Service, I think that we should go that route. I urge you to vote against the Recede and Concur so that we can take care of this through Adhere. Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Also, to be very brief before we vote, in response to Representative Trahan's remarks, his answer to the problem, that is how you stop them. I am confused as to how simply getting rid on them in your own community and allowing these gypsy-like organizations to move across a very, very highly forested state is going to get rid of the problem. It does not get rid of the problem. That is not how you stop them. In response to Representative Foster who said the rules keep changing and it is very hard for foresters to keep up, I would remind the good Representative that not two weeks ago we changed the rules in the fragile areas of the shoreland zones all across the state for commercial timber harvesting in fragile areas. That was a change in the rules. It was supported by the good Representative. If our current rules don't address liquidation harvesting and high grading, then I say we are not done yet. Frankly, I am rather astounded by the stonewalling on this very innocuous response to a real problem. It is simply a request to the Forest Service. I would counter the good Representative Carr's remark reporting from the Forest Service and referring to the recommendations for forest sustainability standards that came through the State of the Forest Report on January 20, 1999 in which the department recognized liquidation harvesting and high grading as a problem. Liquidation harvesting occurs throughout the state predominately in organized towns, between 3 percent and 12 percent of all harvested acres were identified as liquidation harvesting. In its summary statement, both high graded and liquidation harvesting failed to meet any definition of good forestry practices. Their use reduces both the quality and the productivity of the forest for long periods of time, often several decades. The number of acres harvested by these methods is cause for concern. I say that obviously we are getting some conflicting messages from the Department of Conservation and the Maine Forest Service. I think we have all admitted that this is something we don't want. Are we to sit back and say that we simply don't want to adjust to new rules? We don't want to talk about solutions. I think this should be an ongoing dialogue. I am not afraid of what the Department of Conservation might come back and tell us. I hope you are not afraid too. I hope you will go ahead and support the Recede and Concur and to get on with the business of a good sustainable forest in the State of Maine.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. Over the last two sessions this Legislature passed a framework to help ensure the long-term health of Maine's forest and the forest industry. It is built on a more outcome based system of standards designed to maintain the forest and the economy. The majority of our committee voted to have the Forest Service include a section in their next biennial State of the Forestry Report on the issue of poor forestry practices. That is due in January 2001. That is all this bill does. It does not require additional studies. It does not require additional landowner reports. It does not require additional access to private lands. It doesn't change even a single landowners right to harvest timber and it does not contain a single regulation. It is very interesting to me to be in such an intense debate over asking the Forest Service to compile data they already have. It reminds me of the Board of Pesticides who have all kinds of data regarding pesticide use, but they haven't been able to compile it, so we don't even have a clue if there is a problem. We know it is

better, but we don't know how much better. I have heard from my learned colleagues whom I respect very much that things have been and are improving in the management of our forests, so why not look at it. I actually think that the Forest Service will come back saying things are a lot better than many people think they are and with recommendations that involve things like education, that the tree growth act is working really well so, why not find that out? If I am wrong, I would like to know that. I happen to think I am right. I encourage you to vote and support the Recede and Concur. Thank you very much.

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

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. To stand on the floor and say this study is noxious, there are no rules, no regulations, is true. To believe that none will come out of it doesn't pass the straight face test. We haven't had one yet that more didn't come out of. I stand before you today and I hope I can be told that I am wrong if we lose. If the Forest Service was to come back to this body two years from now and say there are no problems and what we are doing is okay, there are people in this body that would malign that study. They would say it biased. They would say that it wasn't done by the right people, you can't trust the Forest Service, because it doesn't say what we want to hear. I don't want to offend anybody and I apologize if I am.

I was just reading an article about sprawl. We all say we are concerned about sprawl or a lot of us say we are concerned about sprawl. The Department of Environmental Protection just recently conducted a seminar in Boston. There are about 1,000 people there talking about sprawl. The Commissioner of Agriculture from the State of New Hampshire was the featured speaker. The thing he talked about as being the most important thing that we can do to prohibit sprawl is to create a healthy environment for agriculture and forestry. I believe with all my heart that people that keep introducing these bills are well intentioned, but very few ever have to deal with them. Somebody else has deal with the results of these. A lot of you folks grew up in agriculture and grew up in rural Maine. Your homes are gone. The farms are gone. Your families are not able to farm anymore. Your families no longer have their woodlots. The majority of the people in this state that have any connection to the land are asset rich and cash poor. We are doing things, I don't think intentionally, to drive these people off the land. We keep increasing the taxes and the regulation. We keep saying you can't export your wood because it is not fair to Maine employees. We say all these kinds of things and you look around and see the farms are disappearing by the day. There are 5,000 dairy farms in the State of Vermont. There are less than 600 in Maine. Look at the landmass of Maine versus New Hampshire. While the study seems unimportant or innocuous, it doesn't seem that it is going to hurt anybody. I apologize. I don't believe there won't be more regulation come out of it.

Companies like the one I work for and other companies around the State of Maine are continually maligned, but they are working on this issue. They won't buy wood from people who cut wood in this manner. That is a lot more effective than any study we can do. They refuse to buy wood from people who cut in this manner. I am not standing up here defending this kind of operation. It is not acceptable, none of us accept it. We don't need any more rules. We all know it is wrong. The landowner is partly responsible for allowing this to happen, I might remind you. It isn't only those folks that are doing it. The companies, to me,

are the best way to make it happen. If the paper companies and the sawmills refuse to buy from land that harvested in this manner, it will stop a lot quicker than anything we can do in a study. I apologize for maybe overreacting to study, but every study, but every study we have ever had that I know of has made my life harder, the forester's life harder and harder to survive in the wood industry in Maine. All the sawmills are gone in my district, every one of them. We complain about companies moving south of the border, guess what folks, we are helping. We buy the products that they send back here and we create regulations to make it more difficult to operate here.

Don't leave here tonight and say that Cameron says that OSHA is no good and that the EPA is no good. That is not what I am saying. There is a point when we have gone far enough. I find it interesting that the people who work in the industry or have any connection with the industry are saying that it is okay folks, there is not a problem, the sky is not falling and the world is not coming to an end. The folks that don't work there because it is not pretty, I guess, say that the sky is falling. That is what concerns me when I hear somebody say that if the Forest Service comes back and says there is no problem, then we will accept that. I can't bring myself to believe that that will happen. History tells us that it won't happen. Please put an end to it now. It isn't necessary. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. Study, study, study, let's have another study. What will it prove? We are trying to find out what liquated harvesting is, but we already know what it is. Why are we studying it to find out? We don't need to know what it is because we already know. The biggest problem we have with it is that we don't have manpower enough to enforce the forest practice practices, which would eliminate this. We can't infringe on people's right to own a piece of property, sell it to somebody and when they sell it they can't impose problems to those who buy it so that they can't cut it. A study is being conducted now with the Forest Service so included in that study they were also addressing liquidation harvesting. Please don't continue to say we need another study. It might give some people some work, but the Forest Service doesn't need any because they are drove up now. They don't want it simply because they don't think they got manpower enough to do a study that would be of any value to the committee. With that, please vote against the Recede and Concur. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I have been hearing a lot of maligning of studies that we do. It is our prerogative to initiate studies, no matter what committee we are on and no matter what state department we work with, we have all experienced and supported in the past studies that we felt were necessary. I would like to just talk for a moment about something that has nothing to do with liquidation harvesting just to draw an analogy that might put this into perspective about how I feel about justice in asking the Forestry Department to go in and to look at this issue. I also serve on the Education Committee and I am in my second term. A lot of studies are at the Department of Education though our committee's work because we don't have enough information to make any decisions in support of legislation, one way or the other. I put forward this Resolve initially to ask the Department

of Conservation and the Forest Service to come back with specific recommendations. We found in the committee again that we didn't have any specific recommendations. We found in the committee again that we didn't have enough information. On the Education Committee in the 118th we had a bill brought before our committee in the very early spring that dealt with school violence. At that particular point in time the recommendation of that legislation seemed a little overbearing, a little too much to ask of our schools and our state for the protection of our students and the staff that work in them.

In our Education Committee we took the legislation and instead of enacting any more rules and regulations because we heard from the administrators that they are overburdened and over regulated and they have much too much to do already to do with all that we have mandated for them to do. We got the committee to agree to do a study between the sessions. The report on the task force dealing with school violence came back with some recommendations. Fortunately, because after our committee asked not only the department to study the issue, but a specific task force, we had some tragedies that began in Colorado and have not stopped to this day. I am not saying that people on the Education Committee wanted to stick their heads in the sand when they heard that there was school personnel that were being assaulted by third and fourth graders and that they had administrators that had no policies and procedures to help protect them or the other students. Through the work of that task force, yes, we asked the Department of Education to come back with their recommendations also, we have been able in this session to address the issue and not stick our head in the sand and not pretend it doesn't exist. If it can happen in other states, fortunately, it hasn't happened here. We have made some incremental steps in properly designing some rules and regulations that may be school administration districts and not wanting at this point in time to establish policies and procedures. It is hard work to get people together in a community and decide on what is best.

Liquidation harvesting is an issue that is similar in some ways. There are people right now in communities, selectmen in my communities, I don't have any city government, who are struggling daily with those who would come in the community, like gypsies who are here today and gone tomorrow, buy, cut and sell. That is not good forestry management. That doesn't help my small towns. It doesn't help the people who feel that they want to do things for their community that are sensible and that are for generations to come. I still ask you to please consider the Resolve that only as my good Chair, Representative Pieh, has said, ask the Forest Service to come back to us with more information and perhaps some recommendation in the year 2001. It would give them ample time in which to follow what is happening in this sordid practice of liquidation harvesting. I ask you to please join me in voting to Recede and Concur.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. It is with great hesitancy that I rise. I do not usually rise to speak on issues that do not involve the committees that I am involved with. However, I do take issue with the analogy done by the good Representative from Farmingdale. I don't think the two issues are parallel whatsoever. In my three years in the Legislature, I have gone on every forestry tour that I could possibly go on. I am not a forester. I don't pretend to be an expert, but I can tell you one

thing, on every tour that I have been on, there has been one loud and clear message. You passed a law, the Maine Forests Practice Act, give it a chance to work. You continue to tinker with the law and it has a cloud over the entire industry. Why do you think these huge, massive land sales are going on? The paper companies are saying we have to invest for 70 years before we can realize the profit from our investments and you keep changing the rules. Yes, a study seems to be something that is pretty innocuous. I would agree with that except the message that it continues to send the industry. They are leaving this state. That is undeniable. Why do we continue to try to drive these people out of business? Please vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative **SHIAH**: Mr. Speaker, Colleagues of the House. I was fortunate in the 118th Legislature to serve on the Agriculture, Conservation and Forestry Committee. We really had an intense debate over forestry issues. Those of you who are here will remember. We had many bills and we held a lot over to the second session, a lot of vigorous debate and education of the committee members including myself. This is one of the areas I thought we needed more information. We talked about it then. We didn't have the information and I feel that this is now a Resolve directing the Forest Service to give us a report, to report back in 2001. I have a lot of faith in the members of that Legislature to do the right thing. If there is a problem, address it. If not, fine. Do not fear information people. Do not fear more information. It is when we make our best decisions when we have more information on a topic. This is a topic. I know it is a concern of many people in this chamber and statewide too. I say let them do a study and report back and we will take a look at it and we will move on from there. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Jodrey.

Representative **JODREY**: Mr. Speaker, Ladies and Gentlemen of the House. I have listened and listened and listened here and I just can't sit down any longer. I think we need to ask ourselves some questions. Why do landowners want to liquidate? I haven't heard anything about landowners liquidating. All I have heard about is contractors liquidating. Landowners, I suspect, are liquidating because they can't put up with the environmental regulations, the regulations that are perceived to be coming on board. It is easier to just sell the land and let the butchers cut the lot, sell a few house lots and be done with it. We have taken away the tax incentives on land. That is gone. A three-generation landowner or mill owner in my town has liquidated all their land, all their assets because they don't need the regulations anymore. They have just gone and sold their property and put their money in the stock market. They are riding around in their nice new cars, homes and boats and they are having fun. Why? It is because of over regulations I suspect. I don't know much about forestry. I have been growing trees for about 40 years. I have been a certified tree farmer for 40 years. Some of the se boys here in the hall have helped me do my work over the years. I pay taxes on all of my land. It is open for everyone to use. It always has been. With good management it takes 50, 60 or 70 years to grow a pine tree. Leave us alone for 10 years and let us try to grow our trees. Let us live with what regulations we have. With good management we can have good land and good forestry practices and we could all enjoy the land. I think the way we are going we are just

making it worse by over regulating because people are just bailing out and saying we can't handle any more regulations. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I am concerned about this issue because I see the phrase liquidation harvesting as a coined phrase as to imply a judgment. By asking the Legislature for a study on this coined phrase we are implying that there is a problem here, which we are confirming. Is there a prohibition for the Forest Service to include in their currently scheduled report an assessment of this practice without having this result?

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. The Forest Service did actually do a separate report this year defining something they were defining as liquidation harvesting and said that that and something called a high grading were a problem. We changed the title of this to say to take a look at the poor forestry practices and include it in your next regular report. Would they do this with or without our regulations? I don't know. They were arming forest rangers. There is no telling exactly. I think that they will keep their heads up on it for sure. I don't think there is any reason not to ask them to take a look at it. Again, I am not quite sure why we are determined that any department in this government is going to come back and say that there is a problem or that the answer to the problem is more regulations. Many people here seem to be convinced of that. Perhaps I am naïve, but I think it is a good group of people to take a look and come back to us. I also have some faith in this body exercising decision making around proposed regulations that I learned over the last three years. I don't think it does any harm to get the information. I encourage you to support the current motion. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Colleagues of the House. As far as I am concerned there is an agenda in the State of Maine regarding forest practices. There are those who would further curtail or restrict owners in what they can do. As I have already mentioned, this would take and there would be an eroding of the forest industry in the State of Maine. There used to be 10,000 loggers in the State of Maine, but now there are about 4,000. The Maine Forest Service has a responsibility through its biennial report to report to the Legislature on all activities of the forest including forest practices. What we are trying to do here is a mandate to the Maine Forest Service. I don't think it is right. I think that the forest practices are going to be addressed by the Maine Forest Service in their report to the Legislature. Thank you.

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

Representative **GILLIS**: Mr. Speaker, Men and Women of the House. I am a small mill operator and I depend on the forest to make a living. The regulations that we passed the last few years have certainly choked off the supply to small mills. If you want to choke us off a little bit more, you go ahead and you vote for a study. I can guarantee you that they will come back with more regulations and choke us off a little bit more. Go ahead

and do that. I won't die a slow death, I will liquidate my mill and then everybody will be happy. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I just want to emphasize that all this is is a study, which will bring back its recommendations to the Legislature. We have had any number of studies, which we have then decided to act upon or not to act upon as we have chosen. This does not require that we act. We are simply asking the forestry bureau to get us information to make two definitions for forestry and liquidation harvesting and to come back with any recommendations should they choose to. They may define both those terms and they may come back with recommendations that there is not a problem. Liquidation harvesting may have some positive effects as well as negative effects. In an economy where we are cutting more than we are growing back, as we understand it, maybe we need liquidation harvesting and maybe it would be inappropriate to cut off that tool. I don't see that we are doing anything unusual for asking for this very simple study. We are not saying, as the Representative from Farmington stated, that the Forest Service would have to make specific policy recommendations to deal with the problem. We don't even know if the forestry bureau is going to tell us there is a problem. It is simply going to define poor forestry. It may say that this is what poor forestry is and it doesn't exist in Maine or it exists in such small amounts that we don't need to act. The Representative from Farmington also said that LD 2179 would put the commissioner of Conservation on notice to develop a proposal for legislation to curtail and regulate to so-called liquidation harvesting. He will not be able to say it is not a problem. There is nothing in this bill that says that he cannot say that there is not a problem or that he has to curtail and regulate liquidation harvesting. That is putting words in the mouth of the forestry bureau. We are just asking a simple question, define these two terms, liquidation harvesting and poor forestry. Perhaps liquidation should not be included in the definition of poor forestry. Come back to us with any recommendations and if we like the recommendations than we may pass some or all of them. If we don't, we can do like we have done with any number of these recommendations. We can throw them in the wastebasket. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. It appears to me that what we are talking about here is a special study versus one that we think is ongoing with the Forest Service. What we are saying is we don't need a special study because there is one already being conducted. In spite of all the rhetoric that has gone on about whatever, that is the story. Do you want a special study on top of one that you have going now? I don't think so. Please vote accordingly.

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

ROLL CALL NO. 300

YEA - Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Colwell, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McKee, Mitchell, Muse, Norbert,

O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richardson J, Rines, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Bragdon, Cote, Tuttle.

Yes, 62; No, 86; Absent, 3; Excused, 0.

62 having voted in the affirmative and 86 voted in the negative, with 3 being absent, the motion to **RECEDE AND CONCUR FAILED**.

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

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

Non-Concurrent Matter

Bill "An Act to Treat All Employees Equitably with Respect to Leaves of Absence for Legislative Service"

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

Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)** in the House on May 24, 1999.

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

Representative SAXL of Portland moved that the House **ADHERE**.

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

Non-Concurrent Matter

Bill "An Act to Modify the Laws on Negotiating a Worthless Instrument"

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

Minority (5) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-638)** in the House on May 24, 1999.

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

Representative **POVICH** of Ellsworth moved that the House **ADHERE**.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative BOWLES: Mr. Speaker, Ladies and Gentlemen of the House. On behalf of the thousands of small merchants across the state I thank you for your support of this legislation yesterday. I further thank the good Representative from Ellsworth, Representative Povich, for his motion to Adhere. In talking with the opponents of this bill in the other body, I am convinced that they are sincere in their belief that this problem is best handled by increased enforcement and prosecution, rather than by changes in legislation. I certainly agree that increased enforcement is necessary, I also believe this bill would be a modest, but positive step in helping initiate that enforcement. I have concluded however that asking the House to request a Committee of Conference would not be a productive use of our time. I hope you will support the motion to Adhere. In so doing you will reinforce the message you sent yesterday that we recognize a problem exists and the problem is serious and it does need to be addressed. Thank you.

Subsequently, the House voted to **ADHERE**

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

ENACTORS

Emergency Measure

Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook for Purposes of Education Funding

(H.P. 1593) (L.D. 2241)

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. 124 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Revise the Salaries of Certain Kennebec County Officers

(H.P. 1592) (L.D. 2240)

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

Representative **LABRECQUE** of Gorham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

Representative **MITCHELL** of Vassalboro asked leave of the House to be excused from voting on L.D. 2240 pursuant to House Rule 401.12.

The Chair granted the request.

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 301

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell,

Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Gerry, Murphy T, Plowman, Sherman, Shields, Snowe-Mello, Treadwell, True.

ABSENT - Bragdon, Cote, Jabar, Lindahl, Perry, Richardson J, Shiah, Tuttle.

Yes, 134; No, 8; Absent, 8; Excused, 1.

134 having voted in the affirmative and 8 voted in the negative, with 8 being absent and 1 excused, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Confirmation Process

An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 417) (L.D. 1206)

(C. "A" S-341)

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

Representative MENDROS of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

In accordance with the provision of Section 8 of Article V, Part One of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 302

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, 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, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Labrecque, Plowman.

ABSENT - Bragdon, Cote, Jabar, Lindahl, Perry, Tuttle.

Yes, 143; No, 2; Absent, 6; Excused, 0.

143 having voted in the affirmative and 2 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures

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

(S. "A" S-343 to C. "A" H-649)

An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached

(H.P. 189) (L.D. 267)

(H. "A" H-670 to C. "A" H-652)

An Act Regarding Fish Stocking

(H.P. 361) (L.D. 486)

(H. "A" H-665 to C. "A" H-607)

An Act to Expedite Treatment of Certain Persons with Mental Illness

(H.P. 499) (L.D. 706)

(C. "A" H-659)

An Act to Amend the Laws Relating to Notaries Public

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

(H. "A" H-662 to C. "A" H-411)

An Act to Amend Maine's Family and Medical Leave Law

(S.P. 511) (L.D. 1512)

(C. "A" S-217; S. "B" S-323 to H. "A" H-576)

An Act to Create a Staff Position at the Maine Commission on Domestic Abuse

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

(C. "A" S-140)

An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases

(S.P. 741) (L.D. 2100)

(C. "A" S-268)

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.

An Act to Increase the Deer Hunting Day by 15 Minutes

(H.P. 30) (L.D. 39)

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

On motion of Representative MARTIN of Eagle Lake, was **SET ASIDE**.

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

An Act to Promote Healthy Maine Families
(S.P. 492) (L.D. 1477)
(C. "A" S-339)

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

On motion of Representative McNEIL of Rockland, was **SET ASIDE**.

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

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

The SPEAKER: The Representative may pose her question.

Representative **MCNEIL**: Mr. Speaker, Men and Women of the House. Could you tell me the cost on this? I understood it was \$3 million, but I think there was more of an answer to that and perhaps that is only the first year and not the second year cost on that.

Representative **MCNEIL REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 303

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

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

ABSENT - Bragdon, Cote, Jabar, Lindahl, Perry, Tuttle.

Yes, 80; No, 65; Absent, 6; Excused, 0.

80 having voted in the affirmative and 65 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

An Act Concerning Technical Changes to the Tax Laws
(S.P. 440) (L.D. 1277)
(C. "A" S-329)

Which was **TABLED** by Representative GAGNON of Waterville pending **PASSAGE TO BE ENACTED**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-329)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-684)** to **Committee Amendment "A" (S-329)** which was **READ** by the Clerk.

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. This amendment makes technical changes to the tax laws bill. It just clarifies that the language of LD 1130, which was before this body last week is consistent with regards to its definition of telecommunication services

House Amendment "A" (H-684) to **Committee Amendment "A" (S-329)** was **ADOPTED**.

Committee Amendment "A" (S-329) as Amended by **House Amendment "A" (H-684)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-329)** as Amended by **House Amendment "A" (H-684)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

An Act to Require a Written Record of the Subject Matters Discussed in Executive Sessions

(H.P. 143) (L.D. 205)
(C. "A" H-635)

Which was **TABLED** by Representative SHIAH of Bowdoinham pending **PASSAGE TO BE ENACTED**.

Representative RINES of Wiscasset **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

The SPEAKER: The Representative may pose her question.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Could anyone tell me if this bill passes and municipal officers go into executive session with their lawyer, do they have to record every word that is said when a piece of business is being before the courts. Do we have the lawyer/client privilege still secret?

The **SPEAKER**: The Representative from Berwick, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I just was coming in as you started, but from what I heard of the question, the only thing that has to be recorded as a result of this bill are the subject matters. There has to be a record kept of what issues broadly based are being discussed. The purpose of that is we have a law now that requires you to announce publicly what you are going into executive session for. There are a lot of complaints that people once they go into executive session think it is a free for all and can go anywhere they want to go and discuss other issues other than what is announced to the public. The purpose of this is if you are going in to talk about a labor matter, then your record should show you discussed the purchase of a fire truck it has to be in there that you discussed a purchase of a fire truck, not what was said about it and not what anybody's comments were about it, only that the subject matter was discussed. The idea being that the public should know what subject areas are being discussed in executive session.

Representative **CHICK** of Lebanon **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 304

YEA - Ahearn, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Cameron, Campbell, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Trahan, Tripp, Twomey, Volenik, Waterhouse, Watson, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bumps, Carr, Chick, Cianchette, Cross, Gillis, Goodwin, Jodrey, Joy, Kasprzak, Lindahl, Mayo, McAlevey, McKenney, Nutting, O'Brien JA, Pinkham, Richardson E, Rines, Rosen, Savage C, Skoglund, Stedman, Tessier, Tracy, Treadwell, True, Usher, Weston, Wheeler EM, Wheeler GJ.

ABSENT - Bragdon, Cote, Daigle, Fisher, Perry, Tuttle.

Yes, 113; No, 32; Absent, 6; Excused, 0.

113 having voted in the affirmative and 32 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

MATTER PENDING RULING

Bill "An Act to Clarify the Laws Relating to Off-track Betting Facilities"

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

TABLED - May 21, 1999 by Speaker ROWE of Portland.

PENDING - **RULING OF THE CHAIR**.

The **SPEAKER**: In accordance with House Rule 506, which simply requires that an amendment must be germane to the proposition under consideration. Under reading Section 402 of Mason's Manual of Legislative Procedures, the chair finds that the amendment is germane. It relates to the same subject matter as the original bill, licensing issues relative to off-track betting facilities.

Subsequently, the Chair **RULED** that **Committee Amendment "A" (S-312)** was Germane to the Bill.

Committee Amendment "A" (S-312) 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-312)** in concurrence.

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

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move **RECONSIDERATION**, the Clerk was authorized for the remainder of the session to send to the Senate, thirty minutes after the House recessed, all matters **PASSED TO BE ENGROSSED** in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to **RECONSIDER** would be allowed.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action"

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

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-361)** in the House on May 5, 1999.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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

On motion of Representative PEAVEY of Woolwich, the House adjourned at 8:43 p.m., until 9:00 a.m., Wednesday, May 26, 1999.