

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
SECOND REGULAR SESSION
11th Legislative Day
Tuesday, March 7, 2000

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

Prayer by the Reverend Gary R. Akeley, Strong United Methodist Church.

National Anthem by Katie Holbrook, South Portland.

Pledge of Allegiance.

Doctor of the day, Jane Garfield, M.D., Blue Hill.

The Journal of Friday, March 3, 2000 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 356)

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 1, 2000

Hon. G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

Pursuant to "A Resolve to Implement the Recommendations of the Commission to Study Poverty among Working Parents with Regard to an Annual Report Card on Poverty" I am pleased to submit the enclosed 1999 Report Card on Poverty in Maine to you. A supplement to this report concerning creation of a basic needs budget will follow shortly.

I hope you find the information contained therein of use to you. If you have questions or would like further information, please feel free to contact Joyce Benson at this office. (tel. 287-1461 or e-mail joyce.benson@state.me.us)

Sincerely,

S/Evan D. Richert, AICP

Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 357)

**UNIVERSITY OF MAINE
MARGARET CHASE SMITH CENTER FOR PUBLIC POLICY
5715 COBURN HALL
ORONO, MAINE 04469**

Joseph W. Mayo
Clerk of the House of Representatives
2 State House Station
Room 300
Augusta, ME 04333

March 2, 2000

Re: Maine State Government Summer Internship Program 1999 Annual Report

Dear Clerk Mayo:

In accordance with 1967 Public Law, Chapter 493, Section 294, Item 8, I am enclosing copies of the 1999 Maine State

Government Summer Internship Report for distribution to the Members of the Maine House of Representatives.

Thank you for your assistance in making this Report available to the Members of the House.

Yours truly,

S/Suzanne K. Hart

Research Associate

Director, Maine State Government Summer Internship Program

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 358)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

February 25, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2443 An Act to Provide for Statewide Redemption of Returnable Containers

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Carol A. Kontos

Senate Chair

S/Rep. Gary O'Neal

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 359)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 25, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2429 An Act to Address the Teacher Shortage in Maine

L.D. 2440 Resolve, to Equalize State Funding of Higher Education Programs within the University of Maine System

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Georgette B. Berube
Senate Chair
S/Rep. Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 360)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

February 25, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2416 An Act to Limit the Duration that Businesses May Hire Employees as Temporary Employees
- L.D. 2431 An Act to Change the Retirement Eligibility Requirements for Certain Employees of the Department of Environmental Protection
- L.D. 2491 An Act to Permit the Option of Retaining Health Insurance Coverage for Law Enforcement Personnel Who Have 25 Years of Creditable Service

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Pamela H. Hatch

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 361)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

February 25, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2543 An Act Regarding Limited Entry Into the Maine Shrimp Fishery

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. David Etnier

House Chair

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

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

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Improve Educational Programming at Juvenile Correctional Facilities"

(H.P. 1872) (L.D. 2608)

Presented by Representative BRENNAN of Portland.

Cosponsored by Senator BERUBE of Androscoggin and Representatives: BELANGER of Caribou, KANE of Saco, McALEVEY of Waterboro, POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, STEDMAN of Hartland, WESTON of Montville.

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

HEALTH AND HUMAN SERVICES

Bill "An Act to Amend the Laws Regarding Foster Parents" (EMERGENCY)

(H.P. 1870) (L.D. 2606)

Presented by Representative COTE of Lewiston.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BROOKS of Winterport, COLWELL of Gardiner, SAXL of Portland, TUTTLE of Sanford.

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

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Provide Consumer Safety Certification for Snowmobiles and All-terrain Vehicles"

(H.P. 1873) (L.D. 2610)

Presented by Representative CAMPBELL of Holden.

Cosponsored by Senator FERGUSON of Oxford and Representatives: CAMERON of Rumford, DUGAY of Cherryfield, MURPHY of Kennebunk, O'NEAL of Limestone, WHEELER of Bridgewater, WINSOR of Norway, Senators: KONTOS of Cumberland, RUHLIN of Penobscot.

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

JUDICIARY

Bill "An Act Concerning Previous Passamaquoddy Indian Territory Legislation"

(H.P. 1871) (L.D. 2607)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Representatives: AHEARNE of Madawaska, GOODWIN of Pembroke, MARTIN of Eagle Lake, MAYO of Bath,

McKEE of Wayne, SHOREY of Calais, WHEELER of Eliot, Senator: PARADIS of Aroostook.

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

TRANSPORTATION

Bill "An Act to Eliminate the Requirement that a Person Provide a Social Security Number to Obtain or Renew a Driver's License"

(H.P. 1869) (L.D. 2605)

Presented by Representative TRACY of Rome.

Cosponsored by Representative WHEELER of Bridgewater, President LAWRENCE of York and Representatives: JOY of Crystal, MURPHY of Kennebunk, PERKINS of Penobscot, SHIAH of Bowdoinham, TRAHAN of Waldoboro, Senators: BENNETT of Oxford, RAND of Cumberland, TREAT of Kennebec.

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

ORDERS

On motion of Representative BRENNAN of Portland, the following Joint Order: (H.P. 1874)

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the House, a bill to clarify the tuition waiver program for persons who resided in foster care as children.

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Christina Gardner, of Auburn, on being recognized as a "Student for all Seasons" by the *Sun Journal*. We extend our congratulations to Christina on this accomplishment;

(HLS 1048)

Presented by Representative SHIELDS of Auburn.

Cosponsored by Senator DOUGLASS of Androscoggin, Representative HEIDRICH of Oxford.

On **OBJECTION** of Representative SHIELDS of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. Christina Gardner is a student for all seasons at Edward Little High School in Auburn. She is a senior. She has achieved honor roll status and Principal's Award for academic excellence for four years. She is a leader in student government. She has volunteered almost 800 hours in community service. She is a captain of the varsity field hockey team. She is a captain of the girls track and field team. She was named to the all-star field hockey team for three years, was all state in 1999 and had been an Olympic field hockey player for the last three years. She was named the most physically fit female in Maine in 1997. She is known as a great role model and

takes her weaknesses and makes them into strengths. Auburn is proud of Christina Gardner. Thank you.

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. The first time I met Christine was 17 years ago. I held her in my arms and I've watched her develop into a beautiful young woman and a very fine citizen in the State of Maine. She is my grand-daughter and I'd like to personally congratulate her. Thank you for having me Christine.

PASSED and sent for concurrence.

Recognizing:

Robert J. Caldwell, of St. Albans, for his heroic efforts in the July 16, 1999 rescue of a woman who had been thrown from a personal watercraft. In the waters of Big Indian Lake in St. Albans the events unfolded when Robert Caldwell intervened by leaving his boat and entering the water to assist in the rescue. While in the water, he stayed with the woman who was floundering and suffering a severe asthma attack. The dramatic actions of Mr. Caldwell helped save the life of another. The Town of St. Albans is very proud to have him as part of this community. We thank him for his brave, selfless actions;

(HLS 1053)

Presented by Representative STEDMAN of Hartland.

Cosponsored by Senator MITCHELL of Penobscot.

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

READ and PASSED and sent for concurrence.

Recognizing:

Penny J. Caldwell, of St. Albans, for her heroic efforts in the July 16, 1999 rescue of a woman who had been thrown from a personal watercraft. In the waters of Big Indian Lake in St. Albans, the events unfolded when Penny intervened by leaving her boat and entering the water to assist in this rescue. While in the water, she stayed with the victim who was floundering and suffering a severe asthma attack. The dramatic actions of Penny helped save the life of another. The Town of St. Albans is very proud to have her as part of its community. We commend Penny for her courageous actions;

(HLS 1054)

Presented by Representative STEDMAN of Hartland.

Cosponsored by Senator MITCHELL of Penobscot.

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

READ and PASSED and sent for concurrence.

Recognizing:

Alan C. Curtiss, of St. Albans, for his assistance in the July 16, 1999 rescue of a woman who had been thrown from a personal watercraft in the waters of Big Indian Lake in St. Albans. Mr. Curtiss was witnessing the dramatic rescue unfold when he called for help through the emergency network. He remained on the scene until rescue personnel arrived to administer medical treatment. The quick actions of Mr. Curtiss helped save the life of another. The Town of St. Albans is very proud to have him as part of this community. We commend him for his assistance in the rescue;

(HLS 1055)

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

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

READ.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I had these three Sentiments read together because these three people were all involved in this one lifesaving effort. The events unfolded on July 16th of last year when a woman on a personal watercraft was dismounted from the watercraft by accident, couldn't get back on the machine, took off her lifejacket to see if it would make it easier for her to get back on the machine and then lost control of the life jacket and then in the process she suffered a severe asthma attack. The Caldwells were in a boat nearby. They left their boat, went into the water and held the woman afloat in the water until they got the lifejacket back on her. Mr. Curtiss was at his cottage on the lake, nearby, called 911 and then also came out to help in the rescue effort. The Hartland/St. Albans Ambulance Service came along very shortly thereafter and completed the rescue effort. I just wanted to lift up these people as very ordinary citizens who do extraordinary things at certain times in their lives. So I commend Robert Caldwell, Penny Caldwell and Alan Curtiss for their efforts. Thank you.

PASSED and sent for concurrence.

In Memory of:

William Rocheleau, of Lewiston, beloved husband, father and grandfather. Mr. Rocheleau practiced law from 1960 to 1998. He was elected Mayor of Lewiston and served at that post from 1967 to 1968. He also served as corporation counsel under Lewiston Mayor Robert Couturier, served on the committee on reorganization of state government under Governor Curtis, was chair of the building committee for the new Lewiston High School, was president of the Lewiston Development Corporation and served as Lewiston City Attorney from 1986 to 1993. He enjoyed building rock walls, gardening, putting together 1000-piece jigsaw puzzles, reading biographies on world leaders, watching old movies and searching for bargains at Marden's. He taught an adult education class on investing at Lewiston High School. He was a member of Sainte Croix Catholic Parish, a member of the Vigilants and a member of the Musical Literary Club. He will be sadly missed by all who knew him;

(HLS 1051)

Presented by Representative BOUFFARD of Lewiston.
Cosponsored by Senator BERUBE of Androscoggin, Senator DOUGLASS of Androscoggin, Representative COTE of Lewiston, Representative MAILHOT of Lewiston, Representative MENDROS of Lewiston, Representative O'BRIEN of Lewiston.

On **OBJECTION** of Representative BOUFFARD of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Bill Rocheleau was a very quiet man. But he was an effective man as you can see from some of the things that he pursued while living. He was very well organized and did much

for the community of Lewiston. I remember especially that, as chair of the building committee of the new Lewiston High School, he was proud to serve on that board and saw to it that this became a reality. Today the Lewiston High School building, I believe, is one of the largest high school buildings there is in the State of Maine. And it is because of Bill Rocheleau and his leadership that we have a nice building. So, I ask that today when we adjourn we adjourn in tribute to the lasting memory of Bill Rocheleau. Thank you Mr. speaker.

ADOPTED and sent for concurrence.

REPORTS OF COMMITTEE**Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-834)** on Bill "An Act to Amend the Animal Welfare Laws"

(H.P. 1646) (L.D. 2306)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

Representatives:

CROSS of Dover-Foxcroft

GAGNE of Buckfield

WATSON of Farmingdale

PIEH of Bremen

VOLENIK of Brooklin

GOOLEY of Farmington

FOSTER of Gray

CARR of Lincoln

COWGER of Hallowell

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

Signed:

Senator:

KIEFFER of Aroostook

Representative:

GILLIS of Danforth

READ.

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

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

Representative **GILLIS**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for getting up this morning because I'm going to get up a lot this morning, more than I care to, but I want to speak on this issue to let you know what it's about. This is about raising the fees to license your dog. It gives towns with warrants the ability to charge \$10. That's if you're late. Towns that do not have warrants, it's \$5. It's currently \$3 to license your pet. The purpose of licensing is to control rabies in the State of Maine. To know who has dogs, who has them licensed and who has them immunized. Now, I felt we were heading down the wrong road. The economically handicapped people in the State of Maine are the people who cannot afford to license their dog. It is not an incentive to increase the amount that it is going to cost them to license their dog. It is only going to have those people go into hiding with their dog therefore increasing the danger of rabies.

Common sense would tell me that the economically handicapped, the incentive that you give them to curb this rabies epidemic that we're having in the State of Maine would be to give them a month to bring their dog in and license them for nothing. That's more of an incentive than charging them for something they can't pay for anyways. So, I stand here today to ask that you vote this bill Ought Not to Pass. Thank you.

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

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. With due respect and complete respect to the good Representative I think that this bill does need to be passed. It's a bill that we actually passed last year under the hammer. This is clarification in language. We actually brought the price which had been \$10 across the board down to \$5 if you're a little bit late and kept it at the \$10 if you are later and the town goes through the trouble of putting out a warrant. The reason that the price was put up originally from the \$3 in our last session was because the towns are finding it costs them more than \$3 to let people know that they owe money to license their dogs.

There is no one who cares less about dealing with the rabies epidemic in Maine that we're having than the Department of Agriculture and the Animal Welfare Division. So, the bill also, if you're interested, strikes out a piece where the court could order somebody who had done cruelty to animals from being required to go to psychological testing. So, I urge you to support the Ought to Pass as Amended Report. Thank you.

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

Representative GILLIS: Mr. Speaker, Ladies and Gentlemen of the House. In all due respect to Representative Pieh, as you know, the rabies epidemic is continuing north. It is not working. Charging people more money that can't afford it is not going to be effective. We're heading down the wrong road. Thank you.

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

A vote of the House was taken. 58 voted in favor of the same and 40 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

On motion of Representative PIEH of Bremen, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

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

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

The SPEAKER: 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. 448

YEA - Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chizmar, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gooley, Green, Honey, Jabar, Jacobs, Jodrey, Kneeland, Lemoine, Mailhot, Martin, Marvin, Matthews, Mayo, McGlocklin, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV,

Shiah, Sirois, Stanley, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, True, Twomey, Usher, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Berry DP, Bragdon, Buck, Campbell, Chick, Clark, Clough, Collins, Dugay, Gerry, Gillis, Glynn, Goodwin, Heidrich, Jones, Joy, Kasprzak, Lemont, Lindahl, Lovett, McDonough, McKee, McKenney, O'Brien JA, O'Neal, Peavey, Perkins, Pinkham, Povich, Richardson E, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Wheeler EM, Wheeler GJ.

ABSENT - Cianchette, Gagnon, Hatch, Kane, Labrecque, LaVerdiere, MacDougall, Mack, Madore, McAlevey, Plowman, Samson, Shorey, Skoglund, Stevens.

Yes, 90; No, 46; Absent, 15; Excused, 0.

90 having voted in the affirmative and 46 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-834)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 9, 2000.

Six Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-836)** on Bill "An Act to Provide Safety for Forest Rangers and the Public"

(H.P. 1686) (L.D. 2392)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft

VOLENIK of Brooklin

CARR of Lincoln

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

Signed:

Representatives:

PIEH of Bremen

GILLIS of Danforth

GAGNE of Buckfield

GOOLEY of Farmington

FOSTER of Gray

COWGER of Hallowell

READ.

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

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

Representative PIEH: Mr. Speaker, Men and Women of the House. I want to tell you about the details of this bill and to let you know why I voted the way that I did. First, some history. The 118th Legislature had before it a bill to arm Forest Rangers. That bill was a divided report. It was a contentious debate that those of you that were here will well remember. Eventually it passed both Houses and found itself on the Appropriations Table where it was not funded and it was defeated. The issue again then came up last year in the First Session of the 119th

Legislature and we agreed that we would deal with this issue in the Second Session and you have before you now a bill dealing with that that has a six - six report on it. So, you know it was not easy. I will tell you that I am used to dealing with tree cutters vs. tree huggers. I'm used to dealing with recreational fishermen vs. commercial fishermen. I'm used to dealing with departments vs. industry vs. environmentalists. But this is the first time I've ever been in a situation where the department was against a bill, opposing the bill to arm the rangers, and their rangers who came forward and testified that they felt they needed to be armed. Now, however this bill comes out I want to, on the record, accolade the Department of Conservation for creating an environment where their employees feel free and safe to come out and testify on the other side of the bill. What does this amended bill do? Over a period of three years it would arm all Forest Rangers who wish to be armed. Who wish to be armed and who can pass prior testing and training to allow them to be able to carry guns. Or side-arms which is the more politically correct term, I believe, today.

That is the crux of the bill. It's a straight forward thing. If you vote with this report Ought Not to Pass, you're voting not to arm rangers. So, that is the decision that you're making.

Why did I vote Ought Not to Pass on this bill? I can tell you it wasn't easy. I believe two years ago, if you check the record, I would have been on the other side. This time I took time. I did a lot of research. I talked to a lot of people. I reflected on it and I came out with a decision to support the Ought Not to Pass on the bill. I have several reasons.

The first one is that it would only arm some rangers. Any ranger who wishes, who is now employed by the department, or between now and July 1st joins the Forest Ranger Department or the Forest Service, they will not be required to take the testing and training if they do not desire to. So, you will have some armed rangers and some not armed. The MSEA five years ago did a survey and found that 60 percent of rangers did not want to be armed, 40 percent did. Talking with them and others my understanding is there are more rangers now that want to be armed. Somewhere maybe between 50 percent and 80 percent, but no one has any formal data to confirm that. I myself cannot imagine anything more confusing or riskier for Forest Rangers themselves than to have some of them armed and some of them not armed. I can guarantee you from conversations with at least 15 rangers that those rangers don't want to be armed and would not apply.

Secondly, when I did research locally and around the country I found little precedent for arming rangers. Some states do arm their Forest Rangers, however I must tell you that most of those states combine the warden's job, which is enforcement of the hunting laws, and the Forest Ranger job. I couldn't find a state that just arms rangers with a single definition of their job. I also spoke with some people that are enforcement officers for LURC that work in the unorganized territories, that work literally millions of Maine acres, worked with the Forest Rangers, they said if those fellas are armed, men and women are armed, we don't want to work with them. We feel it's a privilege to go on private property. It's a hard earned privilege. We take care of that and bearing arms when you go on property no matter how good the intentions are would compromise and make tenuous that privilege.

Thirdly, I don't believe, and this is the hardest part for me, that the nature of the position has changed enough, and it has changed some with the Forest Practices Act, for rangers to need

to be armed. Law enforcement officers that carry side arms are trained and taught and taught again that when they're in a position that risks their personal safety they are to remove themselves from that situation and get support. The same holds true for rangers. And rangers have a lot of training in how to deal with conflict in a way that it does not escalate and that it builds down.

Lastly, I can't bring myself to kill Smoky the Bear. I grew up with Smoky the Bear and anybody who's my age did and maybe some of you younger folks as well. Smoky the Bear came into our schools. Smoky the Bear met us when we went to parks and said "Take care of the forest, here's what you do, here's how you're a good person and remember to put out your forest fires." If we, over time, and eventually the last person who says they don't want to be armed would retire, we arm all of our Forest Service Rangers, we will, in effect, be ending Smoky the Bear. His attitude would change of one from "Remember to put out your forest fires" to "You'd better put out your forest fires." Thank you very much. I hope that you will vote with me and support the Ought Not to Pass. Mr. Speaker when the vote is taken I request the yeas and nays.

The same Representative **REQUESTED** a roll call on her motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I reluctantly stand today to speak on this issue. As you can tell by the divided report six to six that we certainly had considerable discussion on this. We had a great deal of input from interested people during the public hearing process and also our workshops. During those workshops I offered a solution to this. One of the problems that I have is that over the past 10 years the Maine Legislature has put the rangers in a position where they used to suppress forest fires and now a great deal of their job is law enforcement. They're charged, by job description and also mission statement, to enforce the civil and criminal laws of the state, to investigate arsons and also the protection of life and property. And I personally believe that as long as we charge these officers with enforcing these type laws that we need to give them the tools to do the job. However, my solution was, and we discussed this in length during our committee work, I thought that we should charge the Department of Conservation to come back with us with a change in the mission statement and a change in the task statements and the job description. I certainly could live with that and I would have been on the other side of this report. I still would like to see, and this is why I stand to put this on record, that I would like to see the Department of Conservation still come back with some of these changes. At least with some recommendations on this. Whether or not this passes or whether it doesn't. There needs to be an update and a look at some of the job descriptions that we have. Even the advertising pamphlet that's put out when they're recruiting Forest Rangers puts many of these things in there. It's a law enforcement job. They advertise it as such and if we continue doing that I think that we need to give the tools to the rangers to properly do the job. Thank you Mr. Speaker.

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

Representative **GILLIS**: Mr. Speaker, Men and Women of the House. There was a very difficult discussion and during my

research and requesting information it really made it easier as time went on to make a decision. I'm on Report "B" Ought Not to Pass. A couple things I want to mention to you is this. One of the requests that I had made from rangers was a list of individuals that were for arming the rangers. They had a month, perhaps, to get that information to me. I've only heard from five rangers that really support this. There are 88 rangers in that group. Therefore, it lead me to believe that there wasn't a ground swell of support for arming the rangers. And that's coming from the rangers themselves. There is a small group, it seems to me, that really wants the armament. The second thing was, in one of the reports that a ranger provided to me, talked about how they were riding in the pickup two rangers together. Tuned in to the Sheriff's channel and heard about a call that went out. They were 10 or 15 minutes from that place. They decided they would go and check it out. Now, that's not in the ranger's job description but these rangers decided to go and see what was happening, which leads me to believe they want more duties than what they currently have.

I also heard testimony about a riot in Saco, at the Saco River, where they were called in. The comment that was made to me at the public hearing was that, "All we could do was to stand back and gather information. We weren't armed." So my question to them was "Well, you're telling me if you'd been armed you would have played a bigger role?" It seems to me they want a bigger role, or some want a bigger role. Again, I only heard from five rangers. There are 88. Where is the rest of the voice? I didn't hear opposition from the other rangers because they're remain neutral and they don't want to get involved with what their fellow rangers are trying to do.

The other thing I'd like to mention is in talking with the department this morning, if this bill is defeated Ought Not Pass, they do plan on looking at their mission statement and the policies and perhaps changing a few things. The testimony in the hearing came from rangers and we had, I think, a couple officers, one from Washington County, a sheriff, but there was no ground swell of support for this. I also went back, I took the liberty and went back to my community and I asked the people that I represent, and I know they don't fully understand the whole issue of what the rangers wanted, but overwhelmingly from my constituents was, "No, do not arm them."

Another point I'd like to bring up. The police academy, the State Police I believe currently trains twice a year for their guns, for the handling of their guns. The tactical squad goes and trains once a month to stay on top of having to use deadly force. The scope of the rangers job basically is to be in the woods, fire protection. How often are they really going to be subject to using that gun if we arm them? And if we do arm them, and if that case does arise, what's going to happen? Is it more danger to society and the ranger himself? It's better for them to use their head and not the arm. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House of Representatives. I stand today to oppose the arming of Forest Rangers. Probably you remember from the first session the debate on my solemn occasion. I brought up some of the points then why I opposed giving rangers any more powers. I'll begin with my first real problem with arming them.

The logging business, working in the woods, harvesting trees, whatever you want to call it, has changed a lot in the last five years. We've had tremendous amounts of regulations.

We've had the Forest Practices Act that changed the direction of the state when it came to forestry regulation. In that Forest Practices Act there was a section of law that has always troubled me and it still troubles me today. That is the rights of entry powers. The powers for rangers to access all lands within the State of Maine. That has created a great controversy with landowners. Having the ability to deal with landowners every day I have a unique opportunity to hear their problems with the direction the state is going. You see, when they're on their land they feel like they have some right to privacy and with these new regulations that we've passed we've sort of created a controversy on the rights of landowners and the rights of the state to impose regulation on landowners. If we now add guns to that debate then we've even fueled the fire more. I think for any regulation, any change in policy, we must first have the cooperation of the people out there that will be affected. Right now I don't think that support is there. This will just add more fire to the controversy on private property.

The second part of my opposing this legislation would be this, I don't like the direction our Forest Rangers are going and the direction that the State of Maine is pushing those Forest Rangers. I always considered rangers my friends when I was in the woods. It's getting to the point where I feel like they're no longer my friends. They're there to strong-arm me into abiding by the regulations. I don't think that's where I want to go. We only need to look to Massachusetts to see how things can change. In Massachusetts they have what are called Environmental Police Officers. They are armed, they are trained and they are out enforcing law as if it was on the streets of our cities. I don't think Maine is ready for that right now and I really would hope that we didn't go there, but that's the direction that we're going. I think we all need to take a step back on this issue a little bit and just give the new regulations and the new direction an opportunity to breath before we impose the next step which is arming rangers.

Last but not least my opposition to arming rangers. When I first started, like I've said on this floor before, in the logging business it was a whole different thing. There were not loads of wood out there that were worth \$3,000 and \$4,000, but there is now. But more than that I understand why rangers would want guns if they have to go out and arrest somebody who might be stealing a \$3,000 load of wood. I've said this before. That is not anything to do with forestry regulation. That's thieves. That's criminals. I think that we need a new direction when we get law enforcement involved in that. We need to give those powers to sheriffs, to State Police, to somebody else other than rangers. I hope that with this debate we can recognize that maybe we have gone a little bit too far with this arming of rangers. Maybe we need to take and step back and look at this debate and say "Hey, maybe we do need to divide these powers." Let's return to the conservations officer. The man who's out there stopping forest fires. The man that's my friend. Separate those powers and give them to other law enforcement. But above anything else let's not throw gasoline on this fire, on these landowners and people out in the woods that are already upset. I think we're going in the wrong direction people. Let's stop this now before it goes any further and someone is hurt. Thank you.

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

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I have a number of issues with this particular piece of legislation but I'd ask you to take a look, if you've not had an opportunity, to look at the amendment that has come out of the committee for those who support the legislation. If there is, among you, anyone who supports the idea of actually arming rangers, you ought to look at this amendment and it ought to scare you enough to end up voting against it and wait for a better day or have a straight forward piece of legislation. This bill creates three steps, three groups. It is going to provide for those who have no interest to being armed as rangers. Never to be armed at all. There will be those who will then choose to be armed and will be trained to be armed. And then there will be the third group that will be hired after July 1, 2000 who must be armed. You are a citizen of this state and you will be out in the forest and you will be meeting one of those three groups. Assuming that you are as uninformed as an awful lot of people are about what it is we do here, you will assume in most instances, that you've read the issue, that you've been armed as a ranger. What are we setting up here?

Now, you may wonder "Why was it done this way?" It was done this way because there are rangers who will never meet the qualifications of being armed, who will never pass, if you've ever met a ranger. They never took the physical test required to be a law enforcement officer because they were never hired to be a law enforcement officer. They're 40 or 50 pounds overweight and probably capable of having a heart attack any day. We are going to have a liability posed upon this state that ought to scare everyone in this body. These are not people who ever were hired to be law enforcement officers. Some of them wouldn't even pass a lie detector test. So let's be honest. Let's be honest here.

I got a phone call from a ranger who happens to live in the Greenville area who wanted me to vote for this bill. I said "Why?" His answer was "I carried a gun for four years working for the National Parks Service and I think I ought to have one doing this job." That is not a valid reason. That's not where we are. So, for those of you who think that you want to arm rangers, don't use this bill as a vehicle because of what you are creating for general confusion with the general public.

Number two. There are people who argue that the reason why we need to arm them is because we have given them the power of arrest. We did that a number of years ago, I believe in '91, because of people who might be trespassing or cutting someone's trees. Having had experience on someone cutting trees on my land, we knew who it was. We didn't need to send someone to arrest them. Anyone who does cutting across the border of one farm to another or one lot to another, everyone knows who the cutter was. Now there are the occasional people where someone goes to check a load of Birdseye maple, where the money really is in this state, and take a couple trees and will sneak through the night. But most of those are never found and never will be anyway. So this doesn't solve the problem. So my answer to rangers who say that "We have the power of arrest," we don't need the power of arrest for rangers because everyone knows who they are and someone else can give them a summons. They don't need to put handcuffs on them. Most of them are your neighbors and your friends who happened to

perhaps illegally, improperly or whatever crossed the line to cut on someone else's lot.

Third, I don't believe that it's right for us to arm everyone in this state and create potential problems for law enforcement officers who have the responsibility, and that is the police of this state. That is their job and that's what their job ought to be. Forest Rangers have been hired to protect the forests of Maine. It was set up that way and that's the way it ought to stay. So I certainly hope today that this House will vote to accept the Ought Not to Pass.

Let me make one other point about that. I had a ranger from my area call me and talk to me about this and after we got all done the conversation he said "I'm calling because I was asked to call by a ranger from southern Maine but please vote against the bill when it comes up to a vote. I've done my job of trying to lobby you because I said I would." So there's a lot of comradery among the service and I understand that but deep down in the hearts of most Forest Rangers in this state, they don't want any part of what it is some people want to do to them. Thank you Mr. Speaker and members of the House.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. Please don't be confused and misled by talk about lie detector tests, physical condition and all these extemporaneous matters that are really not the issue. The real issue is what is the job of a Forest Ranger? Have we charged them with enforcing the Forest Practices Act? Have we charged them with enforcement of criminal and civil law? Have we charged them with protection of life and property? I think the answer to all of those is yes and if that is incorrect, please someone correct me. But if the answer is yes then don't they deserve the right to have the tools to do the job? I hope you will join me in defeating the pending motion. Thank you.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. I think this bill puts the Maine Forest Service at a crossroads. As many of you know, the forest service is just that, it's a service. Eighty percent of the ranger's work, for example, is in fire control, fire suppression and protection. These people have done a great job as far as protecting the resources of the state. There has been legislation, of course, that has changed things. That's essentially the Forest Practices Act. However, there are other people who enforce the Forest Practices Act and that's the foresters who work for the same outfit. They're not out asking for guns and they don't need guns. I worked for the Forest Service for 26 years and I had occasion to oversee the duties of what Forest Rangers do. Although that was a few years ago and before new laws came into effect, most of the problems that we had with confrontation, and there were very few, were always on the fringes of what these people were supposed to do. And in most cases it was voluntary on their part, which was so aptly spoken to by Representative Gillis. Where they really didn't need to go. So the question is "What do we want the Forest Service to do?" If we want them to become law enforcement people we have to do a better job than this because as Representative Martin said we're going to have two groups of people in the Forest Service, one with guns and one without guns. That's not going to work at all.

The other thing that concerns me a little bit is since I retired from the Forest Service I've been in the consulting business dealing with landowners and loggers and others associated with that business. I can tell you, if those people who work in the woods or who own land see rangers approaching with guns that's going to aggravate a situation which has been essentially prompted by more legislation, more rules and regulations on peoples land. That's not going to be a plus. I'm not going to sit here and guarantee you that there will be a problem and someone will get hurt. The chances are greater that someone will get hurt if these people are armed. I don't think we're at the point in Maine where we need to have forest management at the point of a gun. I just don't see that.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. You've heard all kinds of stories. Who do you believe? True or false? Let's be honest. The world is a different place today than it was 10 years ago. Drugs are predominant. The woods seem to be a great place for them to be distributed or raised. So things are not the same as they were 10 years ago when Forest Rangers were up in towers and looking out for fires and that kind of thing. But if Forest Rangers are going to be asked to back up law enforcement officers then they need the same equipment as those officers have. We discussed this bill for four years I think by now before we started talking about strong arming the people who are on their land. It's a nice story but it doesn't hold water. The Forest Rangers primary job, even after all of the training in regards to the police academy, is to be Forest Rangers. They are not going to be police officers unless they're called to be police officers primarily. What are we going to do? Are we going to wait until something happens to somebody before we enact a law that will give them the arms that they need? I ask you to vote in favor of LD 2392. Thank you very much.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House Just very briefly I'd like to respond to at least one series of comments that seem to be a theme in this debate. That is that arming Forest Rangers, putting guns into tense situations will somehow be inviting violence. I find it curious that the people making that argument tend to be the same people who defend firearms ownership in the general public as being a deterrent to violence. So if this is the premise to the argument then I would move that we would consider a possibility of disarming all law enforcement and perhaps even disarming the general public. Thank you.

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. A few years ago this bill wouldn't be necessary. The job of the Forest Ranger was protection. The ranger was Smoky the Bear. The guy with the white hat in the woods. That's what we all wanted. But in the past few years the mission has changed and a great deal of his time is spent in law enforcement. The citizens of Maine have put him in a dangerous position. The Department of Conservation last year changed the division from the forest control to forest protection. Rangers are mandated by law to enforce civil and criminal violations. These include misdemeanors and felonies, including offences against the public. Rangers are authorized to make arrests and serve

warrants. Right now they are armed with a radio, pepper spray, flashlight and handcuffs. If I was in the woods alone and had a confrontation I'd hope I also had a good pair of track shoes.

An independent committee, the Ranger Forest Safety Committee, appointed by the Deputy of the Department of Conservation in 1997 to study Forest Ranger safety, put out a report in 1998 supporting arming Forest Rangers and based those studies on recommendations to the department to move in that direction. This bill is strictly a safety issue. It's not a property rights issue or a basis for reclassification. Let's face it. Society has changed in the last few years. I believe it's unfair of the citizens of Maine to put a Forest Ranger in a situation that could be dangerous to him without proper training or the tools to protect himself. I underline proper training. Let's keep the ranger the Smoky the Bear or the good guys in the woods but let's do it with some good common sense. Thank you very much.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I'll be brief and just to cover some points that haven't been brought up yet. I sit on Natural Resources Committee and we deal with DEP violations. The environmental laws in our state are extremely complex. When I first became a member of that committee, being a strong environmentalist my feeling was go in, get the violator, stop this business and let's move on. But as I've been on there longer and I realized how complex those laws are I'm beginning to understand the approach we in the State of Maine have taken toward DEP environmental law violators. We're offering the carrot not the stick. Believe you me there are some folks in this state I'd like to take the stick to. But I see that what we are doing in this state is working. Are we going to arm DEP to go out to some of the egregious violators in our state? To get them to do what they're supposed to do? I say no. We're working on education of those very complex laws. So that's my first point.

The second thing is I believe this is about money. I believe it's about our lack of will to do what we really ought to be doing across the state. We need more law enforcement. There's no denying of that. We refuse to vote for that money. We need more money for arson enforcement. We need a special cadre of people to help our law enforcement officials to go into these areas and help out with that. But I believe that we're making some inroads and folks, the people I'm listening to today are loggers, and we've certainly heard from one that I strongly agree with, Representative Trahan. I'm also listening to you people who are from Washington County. You have situations there that the folks in southern Maine don't have. I'm also listening to Piscataquis County people as well. People who know how their constituents are going to react if this change occurs.

We have been dealing with this for four years and I did sit on the ACF Committee and I've been with this for all four years. I remember poignant some of those stories. One of the most poignant ones was about a Forest Ranger who talked about greeting tippers at holiday season on paper company land and his feeling uncomfortable with meeting these people who were violating the laws of the state. One of the things that we noticed was, and we ask, what would have happened if you had had a gun? I believe that in that very sensitive situation there would have been violence.

It's about money. It's about salaries. We need to pay Forest Rangers more than we do. It's about money for the kind of

training that Forest Rangers ought to be getting. When we didn't have the money to do what had been doing we began to send our Forest Rangers to the Criminal Justice Academy to have some of the same kind of training that law enforcement officials have. That was a distinct departure in the way Forest Rangers were trained but had to do with money.

This is about an identity crisis. Who are we as Forest Rangers? What is our mission? Does that uniform look like we're all about education? I say no. That's about money too. Do we have the money to change that uniform? I believe we do if we have the will to do that. We need to have the will to do that.

Lastly let me say this. If we do change the mission and the identity of the Forest Ranger I beg you to call them something else because we still will need the Forest Ranger. We will still need the person to go in and try to educate the people about these Forest Practices Laws. Adopting the same methods that we are using with our environmental laws. In our own communities we are moving away from arms. We are finding that when we take that arm off the law enforcement officer, in many, many cases, that we are achieving our goal much more effectively than we were when we were arming them. Thank you very much.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I'm surprising myself a bit today by rising to this. In a previous Legislature I voted to oppose arming Forest Rangers and since then I have changed my mind. It is from talking to Rangers, myself, that do support this legislation. They didn't have someone tell them to come and talk to me. I'm the local fire chief in the town of Livermore. I prefer not to have anything to do with law enforcement duties. I was looking at a handout from the *Boston Globe* that quoted Commissioner Lovaglio as saying arming Rangers was akin to arming the fire department. I kind of resent him trying to promote an image of your local firefighter being armed. The Forest Rangers now, I would say the largest percentage of their time is spent on enforcing the Forest Practices Act. The image of the Forest Fire Ranger that we try to have is greatly different than it was years ago. So talking to these individuals and from my own experience of trying to deal with issues related to burning permits or un-permitted, illegal campfires and some of my own naive actions and probably I could have been in serious danger if I'd thought a little more. I think they're out in the woods by their selves for the most part. We think of the daylight work that they do but a lot of the work that they do is nighttime as well, I think. I think as far as the general public being confused over which Rangers will have the arms and which won't, I don't think it's going to be important to most of the general public. Very few people, I think, actually have contact with the Forest Rangers. I think, generally, their contact is with the loggers and with very few people on a fire department, probably mostly the Fire Chief. When they come into a community such as mine they probably know, well they're probably going to know the Fire Chief and they're probably going to know the woodchoppers. As far as knowing the general public personally or people to call for help is really, they're on their own I think. So, I've changed my opinion from the previous Legislature and I plan to support arming Rangers for their own protection especially.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I stand a second time because I feel like I have to. Some of the things said here I think I need to respond to. I'd like to respond to Representative Dunlap first because he's the one that made me hop up quicker than anyone else. To say that guns are a deterrent when you put them on a Ranger and send them into the woods, I have to speak on a recent conversation I had with a man from the town of Jefferson who said to me "If you arm Rangers, does that now mean that I have to carry a gun too?" I think that's sort of sums up how a lot of landowners I think are going to feel. This isn't the time to do this right now. There is just too much that has changed in the logging business that has inflamed the fire between landowners and the State of Maine. I think that had to be addressed first.

The second thing that I'd like to address is that woods have changed. No, the woods have not changed. We've changed the woods. The same people that are under these regulations that are being considered, oh I don't know, to be enforced by the power of a gun into the power of law on private property, they're the same people that were there 15 years ago. They haven't changed. The only thing that has changed is the direction the State of Maine has taken in the forestry debate. People are more concerned about the woods than they were and that's reflective in the policies the State of Maine has put forward. That's the real crutch of the whole debate here today. The direction the State of Maine is moving. We are moving to an environmental police officer and the debate here today is "Do you want the State of Maine to go in that direction?" Do you want an officer to be out in the woods and waters of the State of Maine on your constituents land enforcing law with the power of a gun? We have the power today through policy to stop this movement in that direction. I say to you, a second conversation that I had recently with a landowner sums it up as well. And it makes this point very well. He came home from a recent trip to town and there was a note on his door. A Forest Ranger had been on to his woodlot because he had notified them that he was planning on doing some cutting. And he had been down on his land, and he had looked all of his equipment over and he investigated to see if there was any woodcutting. He left on the door a note to the landowner. Well the landowner called me up and he said "You know, I remember a day when I could call the Forest Service and get a Forester to help me with my woodlot, to help me with my harvest operation. Now I feel like they're out to get me." I say to you, I plead with you, think this thing out. Do we want to move in this direction. Because if we go to guns there will be trouble. This is not the time. I say to you, it's much better to be a person's friend then to have power over that friend and force them into doing something. If we want to have people out there enforcing the Forestry Practices Act then yes, let's change some powers and give them to other people in other departments. But let's keep our Rangers friends of the people. Thank you.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. I'm kind of baffled here in this debate. It's my understanding that there was no testimony in the committee, or very little, that this arming of the Rangers is for their own protection. It's my understanding that it's so they can enforce the law better. I'd like that answered. Could I ask a couple of questions through the Chair.

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

Representative **PERKINS**: Thank you Mr. Speaker. One question is was the testimony of the Rangers and the proponents of this bill that this would protect their lives, is there evidence that people have been in trouble, Rangers have been in trouble and risking their lives because they weren't armed? That's one question.

The other question, I'd like to take a little prolog. I believe everybody ought to be able to protect themselves, everybody, from physical harm. The second question is, is there any law or regulation that prohibits them from carrying a concealed weapon with a concealed weapon permit? Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. In answer to the first question on Ranger incidents. I have a file, a piece, that the Maine Forest Service came out with that was given to all of the committee members that shows that between 1990 and 1999 there were 25 incidents in that 10 year period. Of those 25 incidents deadly force was mentioned in two of those cases. In both of those cases the State Trooper was called in and the State Trooper took care of the problem.

In answer to the second question, I guess I'm not sure about carrying a concealed weapon in a state vehicle. Maybe someone else can answer that. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Just going back to a previous comment from the good Representative from Old Town on his confusion on why somebody who would be an ardent supporter of Second Amendment rights to bear arms for the citizens would be opposed to this policy change, which I am, on both counts. I would say to the good Representative from Old Town the distinction is with the right to bear arms for the citizens and the police power of the state. One is a defensive mode where the individual citizen protects themselves from aggression from an overbearing state or protects his property or his life from a fellow citizen who decides to take that from them. And then the State Police power, the expansion of that is an aggressive mode which necessarily in the day and age now has been expanded through regulations and so forth and so on. We are constantly, as citizens, or should be, watchful of any expansion of the police power of the state. Therein lies the difference. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Apparently my comments generated some interest, which is what I intended. The point of my comments was not to bring into question the possession of firearms by the citizenry. The point of my comments was to illustrate something of a conflict in the statements of people saying that bring firearms into a dangerous situation can exacerbate that situation when people had previously stated that firearms in the home are the best way to defuse those same situations to defend one's self. And so to say that they both have equal merit, I believe, makes a specious argument. That was my point.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I will be very brief. I apologize for extending the debate. But I do serve on the committee with the good Representative from Bremen and I just feel compelled to make a couple comments. First of all I just want you to know that no other piece of legislation this session has caused me to think so much about it than this bill before us today. I too received a number of calls from Forest Rangers throughout the state and it really was an interesting debate to have, with these Rangers, one on one. But I think we need to go back and focus, as you've heard earlier today, on the mission of the Maine Forest Service. The mission of the service is not a focus on enforcement, but clearly a focus on education and outreach. The Maine Forest Service is involved in a broad range of issues dealing from insuring conformance of the Maine Forest Practices Act, assuring adherence to clearcutting standards throughout the state, educating landowners of all sizes on good forestry practices, helping landowners utilize best management practices to prevent non-point source pollution, prosecuting timber theft cases, doing the old Smoky the Bear routine and helping educate people on proper camp fire control. But in all these cases I hope you would agree with a bi-partisan majority of House members on this committee to support the Ought Not to Pass motion because we don't believe that arming Rangers will help further any of the goals of the Maine Forest Service. The focus of the Service should be, again, on education and outreach. The mission is not to get involved in law enforcement. I would concur with the good Representative from Lincoln that we probably need to go back and not only some rules and regulations but possibly even change some statutory language in the next session to again clarify the mission of the Maine Forest Service. I ask you to join me in supporting the pending motion.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. Just a brief comment. If you support arming Rangers, realize this bill will not arm all Rangers. There will be many Rangers out there, I don't know what the statistics are on being overweight or telling the truth, but there will be many Rangers out there who will either choose not to be armed or will not be qualified to go through the rigorous testing and training required to be armed. So you will have a force of people who are some armed and some not. I think that's really inconsistent for any law enforcement. If we need more enforcement I would support creating a different branch of Rangers and arming them and that kind of thing. But I really think that if you're going to take Forest Rangers and arm some of them, then what's the principle of saying does that mean the Rangers that aren't armed are capable of doing the job as it's written without guns? I don't think so. I want you to remember that. If you're thinking of arming Rangers you're not arming all of them. You're arming some of them. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I wonder how far does this continue to go if we arm these Rangers. Where are we headed? We do not arm the Park Rangers. The Park Rangers such as the Allagash Wilderness Waterway and many of the rural campsites and parks in this state. They deal, in those parks, with weekend guests of

them that are rowdy. They're there to party. There's alcohol involved. We do not arm those Rangers.

How about the Rangers at Reed State Park and Popham Beach? Are they next? What will their summer uniform be with a sidearm? I guess I'm just concerned with where does this stop? The Forest Rangers usually do the education. They're dealing one on one with the logger in the woods, maybe two loggers or someone tipping boughs at Christmas time. But I believe most Forest Rangers have common sense. If it's a confrontational issue, walk away then get the reinforcements. Just having a sidearm will only inflame the situation. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. One of the previous speakers mentioned that some Rangers sat in towers. This has not been the case. The tower people are known as watchmen and watchwomen. There are currently no towers in the State of Maine at the present time. All the surveillance is done by airplane. I used to be one of those foresters that went around to visit landowners and knock on the door and I'd say "Hi, I'm from the Maine Forest Service and I'm here to help you." It was really a delightful job. I enjoyed it very much. I have fond memories of that. But here I stand before you today as a member of the ACF Committee and I am opposed to arming Rangers. Forest Rangers are proud of the job they do, but weapons would effect a new focus to the job. Where should the emphasis be? Would it be a "Don't try me" in escalating situations? Rangers don't need a search warrant yet but if they got weapons I'm sure they would.

The administration of the Department of Conservation is not in favor of this bill. I should also add that there are currently, in the northeastern area of 20 states, there are four states that currently arm their Rangers. Iowa, Illinois, New York and Ohio. But that's four out of 20 states. I mentioned about the 25 incidents over a 10 year period but those were not major incidents, except for two of them. It comes down to changing the job description. That's the way I see it.

I have a little additional information here. This bill leaves it up to the Rangers whether they would carry a gun. It requires the Maine Forest Service to offer a gun to any Rangers who want one. They complete the full Criminal Justice Academy curriculum. If the reason to arm Rangers is for their safety, should the choice be up to them? What happens to those who choose not to carry a gun or are unable to meet the physical requirements to graduate from the Academy? The bill allows those Rangers to remain as Rangers, but will the Forest Service have to limit their duties. By the way, the training Rangers would be required to take, as the result of this bill, include barricaded felon situations, high speed pursuit, road blocks, traffic law enforcement, vehicle stops, use of radar, vehicle theft and handling of bombs. Not exactly the role of a Forest Ranger. I should also add the Forest Rangers were issued mace or pepper spray in 1995 and there has not been a single incident where a Ranger has used the pepper spray. Also, the enforcement of timber theft and timber trespass has been cited as a reason for arming Forest Rangers. In fact, timber theft is almost never discovered until after it occurs. Enforcement involves investigation on the site, which is just as likely to involve a Maine Forest Service Forester as a Forest Ranger.

Lastly, I'd like to say, traditionally landowners have viewed Forest Rangers favorably. Nonetheless, over the years regulations on landowners have increased. Often the Forest

Rangers are the ones called upon to administer those regulations. As a result a natural tension has seeped into the relationship between Forest Rangers and landowners. Providing guns to Forest Rangers will serve to increase that friction and will further erode the relationship between the two. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I do not apologize for rising on this and extending the debate. This is an extremely important issue. It's probably the most important, so far, to come before us. It indicates the direction we want the state to go, as a lot of other people have said. I must say that my seatmate Representative Gooley did give me the first reason, the first good valid reason I've heard so far, for arming the Wardens. If these people regularly go to private citizens doors and say "I'm from the Government and I'm here to do you good," then perhaps for their own safety they should be armed. Seriously, I'm going to vote against this. I urge people to vote against it. It has to do with an attitude change. It would change the attitude of the Forest Ranger. It would change the direction over time. I still would like to have my second question answered that I asked before. If it is to protect the life of these individuals, is there anything to keep them from carrying a concealed weapon under their jacket? Any legal, what's the word that our Vice President uses, I can't remember right now, authority. Authority, legal authority that says that they cannot carry a concealed weapon? Thank you.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. In response to the question that has just been posed, the only restriction would be if the Department or the Bureau has a prohibition of having a personal weapon with them. Otherwise than that there would be nothing that would prevent them from having it. As a matter of fact, I know that there are some that have them now. So that in fact may well be the case. I specifically don't know if the Bureau has a rule that would prevent that. I don't dare get into making an assumption. I think I know the answer to that but I'll leave it at that.

Second, I do want to, while I'm on my feet, make a couple comments as a result of some of the debate that has been going on. Especially to my dear friend on the Appropriations Committee. What he failed to tell you in this discussion is that the cost of doing what it is some people would like to do exceeds a half million dollars in the initial investment. Then there would be the continued cost. For those of us who believe that law enforcement properly belongs with Maine State Police, for example, then it is my feeling that whatever money we have to give to law enforcement officers should be given to the Maine State Police for additional police officers who would be permanently trained as permanent officers of the law and would be in whatever position to handle situations such as that. For example, in my county at any given night when we have two State Troopers on duty in the entire county.

Third, I want to mention the point about the Allagash Waterway. There are no other Rangers who treat with as many problems on the Waterway in comparison to Forest Rangers. That is with drinking and with large groups etcetera. If you think that guns would play a role in solving that problem I would suggest that you talk to those Rangers because the ones that I've talked to don't want any part to do with that.

Finally, it seems to me that the thing that scares me the most about this is the way in which we're setting it up. Some will have them, some won't, some will never have them. I think that's a real bad policy for this state to endure. I've supported Forest Rangers all my Legislative career in their step increases and in whatever necessary tools that they need. This is not a tool that they need at all.

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

Representative GILLIS: Mr. Speaker, Men and Women of the House. Definitely, if you've listened to what you heard today, the bill is certainly flawed. How can you give guns to some and not to others? The other thing I'd like to say, I did extend the invitation, confidentially, to the 88 Forest Rangers to let me know their position. I heard from five. As the good Representative Berry said he heard from two. Are you going to vote on the premise of the two that you heard without hearing from the other 86? I think you shouldn't. Regardless of how you feel forget about everything you heard here today do the math. I heard from five. It's my committee. I heard from five. Where are the other 83? Thank you.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Before we vote I would urge us all, take a deep breath. Take a deep breath because what we're talking about here is enforcement of the Forest Practices Act. We're not talking about enforcement of domestic violence laws. We're not talking about pollution of our streams by life threatening chemicals. We're not talking about highway safety. We're talking about 95 percent of the State of Maine, which is made up of trees. And just as much as you and I care about those trees and conservation and the preservation of the great Maine forest. But a tree will grow back. A stream will recover. And probably the forest will forgive the poor Washington County farmer who dared to take the tips from those fir trees in order to dishonestly support his family. But arming the Forest Rangers may cause a loss of life. We have not lost a life in the Maine forest with the Forest Rangers at the helm. The one near accident we had was frankly, and I heard it all that day, was a bad case of poor judgment. We should never had been where we were. So as I say, let's take a breath. We're talking about trees and mountains and not about domestic violence and highway safety. So please vote Ought Not to Pass and let's end this four year dispute.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I want to thank the Representative from Wayne for her advice. I did take a deep breath but I still want to respond to the comments from the Representative from Danforth to question my judgment on my sources of information. I talked to the two Rangers that I work with as the Fire Chief and have communicated with. I certainly heard the testimony from the years past and I've received letters from other Rangers. It's not to say that I've only talked to two. One of the Rangers that spoke to me was a representative from his bargaining unit. I guess I know that he was involved in the commission or the group that was looking at how this would happen. How this process would work. What training the Rangers would need, what level, and how they would handle it. How they would store their guns in the vehicle at times and when they would be needed. So I take strong resentment to the Representatives

comments on my sources of information compared to his own. I would just like to close with that. Thank you.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I won't say I wasn't going to speak on this issue. I had planned on hopefully not speaking on this issue. I do want to bring up one point as to how I came to my decision on this issue and that's this. If we, as a state, adequately funded our State Police, our Sheriff's deputies, allowed adequate hiring levels for those people instead of squeezing their budgets and passing on their duties to the rangers, and if we had not added law enforcement and arrest powers to our Rangers, and if we had not cut the number of Forest Rangers from 128 to 84 over the last 20 years, and if society were not growing less affluent and less stable and more violent and more confrontational, and if there were no problems in the woods, then this bill would be unnecessary. What we really should do is to pass a resolve to review the adequacy and the direction and the duties of all of our various law enforcement agencies including the Rangers. Unfortunately that option isn't before us. Baring that analysis, I will reluctantly vote for arming the Rangers for now and for their protection because of trends that we are failing to control, we're failing to address and we're failing to resolve. Thank you.

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

ROLL CALL NO. 449

YEA - Ahearne, Andrews, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Campbell, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin, Marvin, Matthews, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Snowe-Mello, Stanley, Stedman, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Baker, Belanger, Berry RL, Cameron, Carr, Cross, Davis, Desmond, Dugay, Duncan, Dunlap, Green, Heidrich, Jones, Kneeland, Madore, Mayo, McKenney, O'Neil, Pinkham, Povich, Rines, Schneider, Shiah, Shields, Sirois, Stanwood, Stevens, Tobin J, Treadwell, True, Volenik, Wheeler EM.

ABSENT - Cianchette, Hatch, Labrecque, LaVerdiere, MacDougall, Mack, McAlevy, Plowman, Samson, Shorey, Skoglund.

Yes, 106; No, 34; Absent, 11; Excused, 0.

106 having voted in the affirmative and 34 voted in the negative, with 11 being absent, and accordingly Report "B" Ought Not to Pass was **ACCEPTED** and sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-835)** on Bill "An Act to Require the State Sealer to Conduct Spot Checks at Timber Mills"

(H.P. 1751) (L.D. 2457)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

Representatives:

GAGNE of Buckfield

WATSON of Farmingdale

PIEH of Bremen

VOLENIK of Brooklin

COWGER of Hallowell

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

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

CROSS of Dover-Foxcroft

GILLIS of Danforth

GOOLEY of Farmington

FOSTER of Gray

CARR of Lincoln

READ.

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Provide Additional Options for Services to Troubled Teens"

(H.P. 1726) (L.D. 2432)

Signed:

Senators:

MURRAY of Penobscot

O'GARA of Cumberland

DAVIS of Piscataquis

Representatives:

QUINT of Portland

SHERMAN of Hodgdon

McALEVEY of Waterboro

POVICH of Ellsworth

PEAVEY of Woolwich

O'BRIEN of Augusta

CHIZMAR of Lisbon

TOBIN of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-829)** on same Bill.

Signed:

Representative:

MUSE of South Portland

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-828)** on Bill "An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided"

(H.P. 1743) (L.D. 2449)

Signed:

Senators:

MURRAY of Penobscot

O'GARA of Cumberland

DAVIS of Piscataquis

Representatives:

SHERMAN of Hodgdon

TOBIN of Dexter

McALEVEY of Waterboro

POVICH of Ellsworth

PEAVEY of Woolwich

O'BRIEN of Augusta

MUSE of South Portland

CHIZMAR of Lisbon

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

Signed:

Representative:

QUINT of Portland

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 883) (L.D. 2298) Bill "An Act to Clarify the Law Relating to the Renewal of Liquor Licenses" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-509)**

(S.P. 896) (L.D. 2315) Bill "An Act to Amend the Department of Corrections Statutes" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-512)**

(H.P. 1625) (L.D. 2272) Bill "An Act to Increase the Availability of Family Foster Homes" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1674) (L.D. 2340) Bill "An Act to Specify Eligibility for Land Purchases Under the Agricultural Marketing Loan Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-833)**

(H.P. 1677) (L.D. 2343) Bill "An Act to Make a One-time Energy Appropriation to Support Shortfalls in the Low-income Home Energy Assistance Program" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting

Ought to Pass as Amended by Committee Amendment "A" (H-841)

(H.P. 1687) (L.D. 2393) Bill "An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 2000-01" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-842)**

(H.P. 1765) (L.D. 2471) Resolve, to Recognize Veterans of the Vietnam War in the State House Hall of Flags Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-837)**

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 937) (L.D. 2387) Bill "An Act to Amend the Qualifying Examination for Initial Teacher Certification"

(S.P. 567) (L.D. 1634) Bill "An Act to Allow Certain Aquaculture Activities by Rule" (C. "A" S-508)

(H.P. 1819) (L.D. 2553) Resolve, Regarding Legislative Review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation (EMERGENCY)

(H.P. 1849) (L.D. 2587) Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Natural Resources Relating to the Review of the Advisory Commission on Radioactive Waste and Decommissioning Under the State Government Evaluation Act"

(H.P. 1640) (L.D. 2291) Bill "An Act to Make Organizational Changes in the Maine State Cultural Affairs Council" (C. "A" H-825)

(H.P. 1697) (L.D. 2403) Bill "An Act to Delay the Start-up Date for Implementing Electric Metering and Billing Competition" (C. "A" H-831)

(H.P. 1758) (L.D. 2464) Bill "An Act to Change the Aquaculture Lease Process" (C. "A" H-827)

(H.P. 1769) (L.D. 2482) Bill "An Act to Enhance Maine's Historic Districts by Efficiently Installing Underground Delivery Systems During Road Construction" (C. "A" H-830)

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

(H.P. 1648) (L.D. 2317) Bill "An Act Increasing the Authorized Indebtedness of the Veazie Sewer District" (C. "A" H-832)

On motion of Representative DAVIDSON of Brunswick, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-832)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-832)** and specially assigned for Thursday, March 9, 2000.

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

Bill "An Act to Allow Other New England States to Join the Tri-state Lotto Compact"

(S.P. 877) (L.D. 2292)
(C. "A" S-506)

House

Bill "An Act to Clarify the Process for a County Bond Referendum Election"

(H.P. 1706) (L.D. 2412)

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

Bill "An Act Requiring Legislative Approval of Ecological Reserves"

(S.P. 157) (L.D. 477)
(S. "A" S-510 to C. "A" S-500)

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

On motion of Representative JOY of Crystal, was **SET ASIDE**.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I realize it's difficult to stand up and question a bill that came through the committee on a unanimous report. It was amended and much work was done on it, however this is a bill, which is setting a potential forest fire, and destruction of up to 100,000 acres of land that's to be set aside in so called ecological reserve. Much support was gained by saying that it would be open to hunting and fishing and camping but if anybody in here is old enough, as I am, to remember what it's like to hunt in an old growth forest, you find nothing to hunt there. The undergrowth is gone and all it's waiting for is a huge wind storm to come up and blow those trees down and then you've got a potential for a forest fire the next time there's a lightning strike. This happened in Baxter Park a few years ago. Also on these ecological reserve no salvage harvesting is to be allowed. That means that you're leaving all of those trees right there as fodder for forest fires. I hope that you will consider this and those of you who have studied this issue over the years will join me in opposing this legislation. Thank you Mr. Speaker.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. As the lead co-sponsor on this legislation I would like to address the concerns of my good friend from Crystal and direct his attention to the committee amendment which does address the issue of wildfire control. It requires that wildfires are to be controlled and specifies the protection measures therein. So it is not simply leaving a box of matches out in the woods

somewhere. I would hope to assuage his concerns that way and would urge the members of this body to adopt this legislation. Thank you.

The SPEAKER: 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. 450

YEA - Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Carr, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Jabar, Jacobs, Kane, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Buck, Cameron, Campbell, Clark, Clough, Cross, Duncan, Gerry, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, McKenney, Murphy E, O'Neal, Pinkham, Richardson E, Rosen, Schneider, Shields, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM.

ABSENT - Cianchette, Hatch, Labrecque, LaVerdiere, MacDougall, Mack, McAlevey, Mendros, Plowman, Samson, Shorey, Skoglund.

Yes, 101; No, 38; Absent, 12; Excused, 0.

101 having voted in the affirmative and 38 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended** in concurrence.

ENACTORS

Emergency Measure

An Act to Amend the Elderly Low-cost Drug Program

(H.P. 1795) (L.D. 2518)

(S. "A" S-507 to C. "A" H-802)

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

Representative MAYO of Bath **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. 451

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, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green,

Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Lemoine, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bragdon, Cianchette, Daigle, Hatch, Labrecque, LaVerdiere, Lemont, MacDougall, Mack, McAlevey, Mitchell, Plowman, Samson, Shorey, Skoglund, Tripp, Williams.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Require the Department of Defense, Veterans and Emergency Management to Report to the Legislature on Matters Related to State Veterans Laws

(H.P. 1661) (L.D. 2330)

(C. "A" H-797)

An Act to Implement Recommendations of the Commission on Performance Budgeting

(S.P. 930) (L.D. 2380)

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.

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

Resolve, to Ensure Adequate Funding for the Lewiston District Court

(S.P. 1029) (L.D. 2609)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1813) (L.D. 2544) Resolve, Regarding Legislative Review of Chapter 267: License Fees to Sell Nursery Stock, a Major Substantive Rule of the Department of Agriculture, Food

and Rural Resources (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1685) (L.D. 2352) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2001" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-844)**

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

ENACTORS

Emergency Measure

An Act to Change the Name in the Statutes of a Native American Organization Able to Issue Hunting and Fishing Licenses

(S.P. 891) (L.D. 2310)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

(H.P. 1801) (L.D. 2528)

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. 109 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

ENACTORS

Acts

An Act Regarding the Maintenance of Private Roads

(H.P. 332) (L.D. 448)

(C. "A" H-793)

An Act to Enhance the Maine State College Savings Program

(S.P. 742) (L.D. 2101)

(C. "A" S-501)

An Act to Make Technical Changes in the Law Authorizing the Capital Riverfront Improvement District

(S.P. 863) (L.D. 2261)

(C. "A" S-495)

An Act to Clarify Granting Authority Under the Agricultural Development Grant Program

(S.P. 880) (L.D. 2295)

An Act to Change the Name of the Natural Resources Information and Mapping Center to More Accurately Reflect its Roles and Duties and to Correct Inconsistent Statutes

(S.P. 925) (L.D. 2376)

An Act to Require Expenditure of Designated Funds for the Purpose for which the Legislature Designated the Funds

(S.P. 932) (L.D. 2382)

(C. "A" S-497)

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 Allow Three Hunters to Hunt Deer Together

(H.P. 704) (L.D. 971)

(C. "A" H-799)

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

On motion of Representative DUNLAP of Old Town, was **SET ASIDE**.

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

An Act to Amend Truck Weights

(H.P. 1643) (L.D. 2303)

(C. "A" H-804)

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

On motion of Representative TUTTLE of Sanford, was **SET ASIDE**.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1619) (L.D. 2266) Bill "An Act to Provide Equity Between Private and Public Electrical Training Programs" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-846)**

(H.P. 1652) (L.D. 2321) Bill "An Act to Provide Special Motor Vehicle Registration Plates for Korean War Veterans" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-845)**

(H.P. 1778) (L.D. 2492) Bill "An Act to Ensure Adequate Funding of Adult Education" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-848)**

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

(H.P. 1744) (L.D. 2450) Bill "An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-847)**.

LEGISLATIVE RECORD - HOUSE, March 7, 2000

On motion of Representative JABAR of Waterville, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-847)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-847)** and later today assigned.

ORDERS

On motion of Representative GAGNON of Waterville, the following Joint Order: (H.P. 1876)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out, to the House by March 23,

2000, a bill addressing eligibility for the elderly low-cost drug program.

READ and **PASSED**.

Sent for concurrence.

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

On motion of Representative BOUFFARD of Lewiston, the House adjourned at 12:12 p.m., until 9:00 a.m., Thursday, March 9, 2000 in honor and lasting tribute to William Rocheleau, of Lewiston.